

City of Milford



CITY COUNCIL AGENDA

February 8, 2016 - 7:00 P.M.

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

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Carlisle Volunteer Fire Company/Check Presentation

Milford Police Department/Introductions & Commendation

Proclamation 2016-01/Black History Month*

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Planning Commission Vacancy

Downtown Master Plan/Rivertown Rebirth Update/Muldrow and Associates*

New Business

Bid Approval/138kV Dead End Structure, Switch & Accessories/Electric Department

Monthly Finance Report

Recess into Executive Session* {Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)
Teamsters Local 326 Contract

Collective Bargaining Matter

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.

011215 012016 012216 012616 *020416 Late Addition by City Manager

City of Milford



PROCLAMATION 2016-01

BLACK HISTORY MONTH

WHEREAS, Black History Month was first celebrated in February 1976 by the Association for the Study of African American Life and History (ASALH); and

WHEREAS, the Association continues to support the study of African American History in homes, schools, churches, organizations, businesses, and government; and while it believes that Black history, like American history, should be studied 365 days a year, it continues to view February as the critical month for pursuing this mission; and

WHEREAS, the Association continues to support the study of African American history in homes, schools, churches, organizations, businesses, and government; and while it believes that Black history, like American history, should be studied 365 days a year, it continues to view February as the critical month for pursuing this mission; and

WHEREAS, the history of African Americans unfolds across the canvass of America, beginning before the arrival of the Mayflower and continuing to the present. From port cities where Africans disembarked from slave ships to the battle fields where their descendants fought for freedom, from the colleges and universities where they pursued education to places where they created communities during centuries of migration, the imprint of Americans of African descent is deeply embedded in the narrative of the American past. These sites prompt us to remember and over time became hallowed grounds; and

WHEREAS, the Association has made "Hallowed Grounds: Sites of African American Memories" the Black History theme for the month-long celebration in 2016 to bring attention to the centennial celebration of the National Park Service and the more than twenty-five sites and the Underground Railroad Network to Freedom that are part of America's hallowed grounds, including the home of the father of black history, Dr. Carter G. Woodson; and

WHEREAS, Milford is the home of the Milford Eleven, a special group who gained national attention as the first African American students to attend a previously all-white Milford School in 1954. Though only in the Milford School District for 28 days, their impact was far reaching as they proudly paved the way for future generations.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, Delaware, on behalf of Milford City Council, proclaim the month of February 2016 as BLACK HISTORY MONTH and urge all citizens of Milford to participate in the appropriate programs and activities of our schools, churches, museum, library, and other organizations that recognize and honor the significant contributions Americans of African heritage have made to the City of Milford, the State of Delaware, to the Nation and throughout the World.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 8th day of February 2016.

A handwritten signature in black ink, identified as Mayor Bryan Shupe, is located above the text "Mayor Bryan Shupe".

Mayor Bryan Shupe

Attest: A handwritten signature in black ink, identified as Teresa Hudson, is located above the text "City Clerk".

City Clerk

CITY OF MILFORD

DELAWARE



“THE GARDEN CITY OF TWIN COUNTIES”

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN

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

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: February 4, 2016

RE: Activity Report/January 2016

Monthly Stats:

A total of 488 arrests were made by the Milford Police Department during January 2016. Of these arrests, 135 were for criminal offenses and 353 for traffic violations. Criminal offenses consisted of 84 felonies and 51 misdemeanors. Traffic violations consisted of 54 Special Duty Radar, 8 Drunk-Driving charges, and 291 other.

Police officers investigated 44 accidents during the month and issued 92 written reprimands. In addition, they responded to 1061 various complaints including city requests and other agency assistance.

Monthly Activities:

SRO:

Sgt. Masten participated in a Positive Behavior Assembly as an invite special guest, along with Morris Principal Beth Conaway. The two competed in events with students who had earned the opportunity because of their good behavior in school.

Sgt. Masten met with Advantech and school officials to discuss an upgrade to security cameras at Milford Senior High School.

Pfc. Bloodsworth coordinated a AAA Safety Patrol at Benjamin Banneker, Lulu Ross, and Mispillion Elementary. She planned a swearing in event that was held at the Milford Senior High School Auditorium, which included the attendance of Judge Hopkins who performed the swearing

in. This event was attended by Chief Brown and Captain Bailey, along with both the Superintendent and Assistant Superintendent of the Milford School District. This event also was attended by numerous media outlets and received a lot of positive attention.

Cpl. Smith was promoted to the rank of Sgt., so we have a new SRO. Pfc. Mikhail Stanton was assigned to the Milford Central Academy and began in late January.

Pfc. Bloodsworth also participated in a Special Olympics event at the Milford Bowling Lanes.

Sgt. Masten and Pfc. Bloodsworth met with district administration following two bomb threats, one at Lulu Ross and the other at Milford Senior High, to discuss how our emergency plans worked and discuss areas for improvement and the areas that worked well. It was the first time the State mandated plans had been put in to action at a live event.

Sgt. Masten and Pfc. Bloodsworth, along with members of the department's administrative staff and Criminal Division, have also been in contact with other agencies sharing information about these bomb threats. This has included agencies at the Federal level also.

K-9:

For the month of January Milford Police Departments K-9 Henk responded to 53 calls for service.

For the month of January Milford Police Departments K-9 Henk was utilized on 6 different incidents.

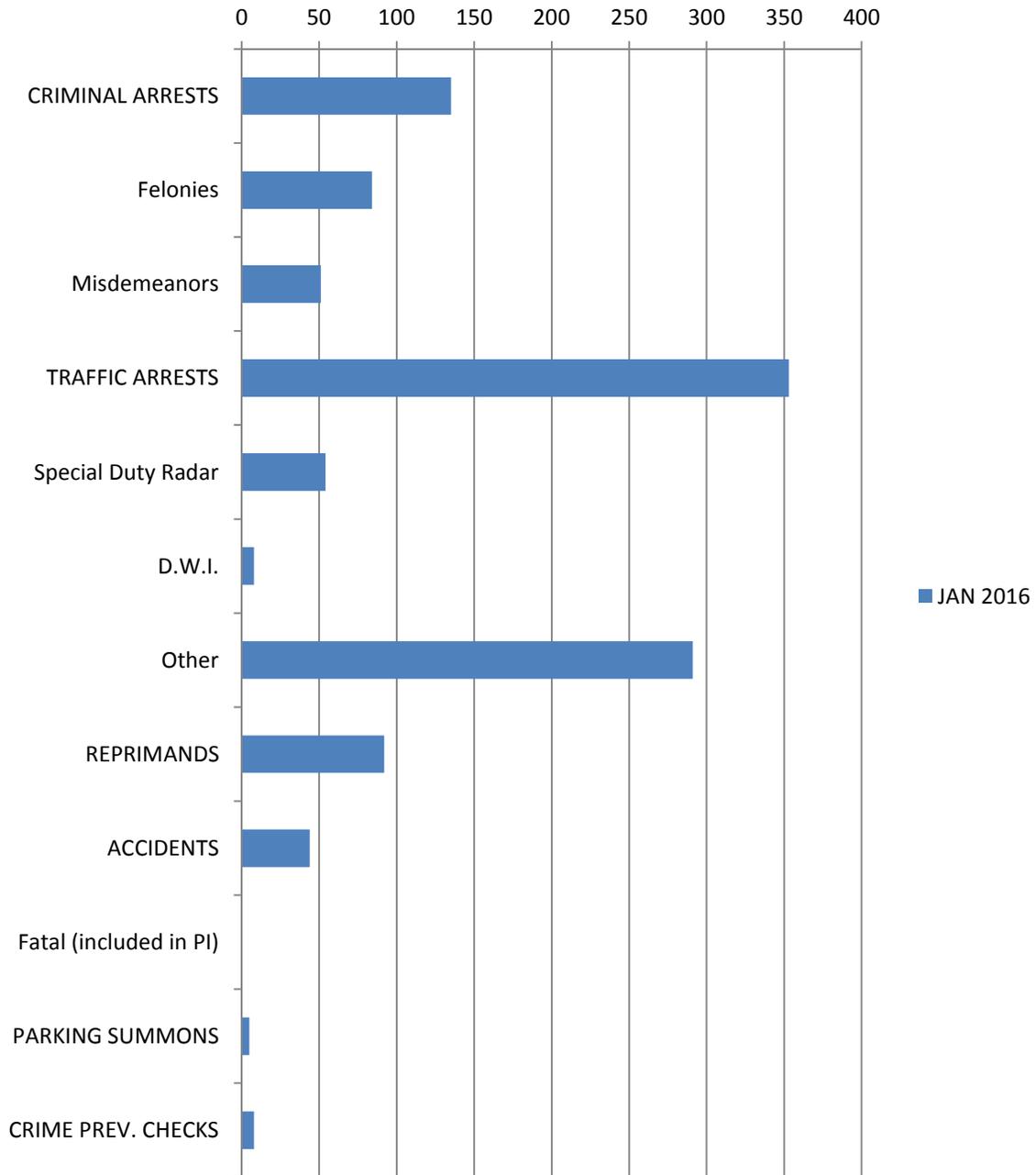
K-9 Henk was utilized 3 times as a precautionary presence on suspects known to have fight or flight risks and burglar alarms.

K-9 Henk conducted 1 track on a burglary suspect with a no bite apprehension on the suspect, and K-9 Henk also located the crowbar that was used in the burglary.

JANUARY 2016 ACTIVITY REPORT

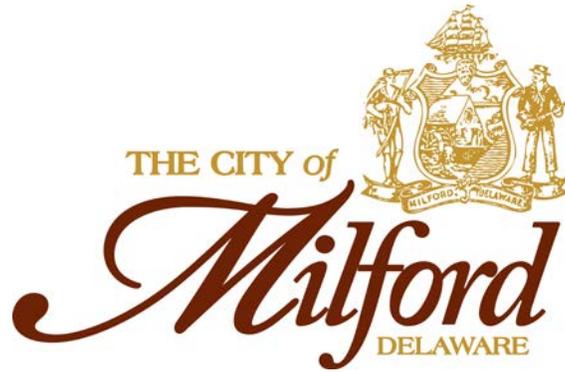
	JAN 2016	TOTAL 2016	JAN 2015	TOTAL 2015
COMPLAINTS	1061	1061	1125	1125
CRIMINAL ARRESTS	135	135	212	212
Felonies	84	84	47	47
Misdemeanors	51	51	165	165
TRAFFIC ARRESTS	353	353	434	434
Special Duty Radar	54	54	120	120
D.W.I.	8	8	3	3
Other	291	291	311	311
REPRIMANDS	92	92	120	120
ACCIDENTS	44	44	40	40
Fatal (included in PI)	0	0	0	0
PARKING SUMMONS	5	5	10	10
CRIME PREV. CHECKS	8	8	41	41
FINES RECEIVED	\$ 6,522.20	\$ 6,522.20	\$ 10,611.23	\$ 10,611.23

JAN 2016



Water & Wastewater

- Fixed Meter Pit on Marshall Street
- Sewer Pump Returned at Knotts Landing Station
- Repaired Floats & High Level Lights at Various Stations
- Prepared for Snowstorm
- Repaired Water Leak on SE Second & South Washington Streets
- Replaced Manhole Frame & Cover at Seawatch International



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

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

To: Eric Norenberg, City Manager
Rick Carmean, Electric Superintendent
Jeff Portmann, Finance Director

From: Jennifer Anderson, Electric Operations Manager

Date: 2/1/2016

Re: January 2016 Work Report

-
- The Electric Department completed (23) Work Orders/ Trouble Service Calls in January, and has in progress (9) Work Orders still open at the end of the month.

Electric

- 1/4/16 Electric Crew took down Christmas Lighting throughout City.
- 1/5/16 Electric Crew installed 2 new services at 112 & 114 Green Ln. in Orchard Hill.
- 1/5/16 9 a.m. Fisher Ave. Design Coordination Meeting.
- 1/6/16 Electric Crew changed out 2 poles on Rust Rd.
- 1/6/16 2:30 p.m. Rick attended Bayhealth Meeting.
- 1/8/16 Electric Crew changed dead end pole on Rust Rd.
- 1/11/16 Electric Crew changed out more poles on Rust Rd.
- 1/11/16 2:00 p.m. Rick and Jenn met with Scot and Dan of Under/Comm in regards to specifications for a new phone system.
- 1/12/16 Electric Crew changed out more poles on Rust Rd.
- 1/13/16 Electric Crew set several poles on Rust Rd.
- 1/13/16 9:00 a.m. Rick attended meeting at DBF in regards to the Utility Locations & Easements for the Hospital Project.

- 1/14/16 2:00 p.m. Jenn conducted Bid Opening for 138kV Dead End Switch. Bid results will be made available as soon as Rick and Electrical Engineer (Alan Cobb) completes their review of the bid documents and makes recommendation.
- 1/15/16 Electric Crew set 2 poles on Betty St. and installed security lights on each.
- 1/19/16 9:00 a.m. Rick attended DEMEC Meeting.
- 1/20/16 Electric Crew changed out lightning arrestors in various areas.
- 1/20/16 8:30 a.m. Public Works Meeting with City Manager.
- 1/21/16 Electric Crews helped with snow removal at City Offices.
- 1/21/16 Electric Crew installed new service at 36 Veteran's Circle.
- 1/22/16 Electric Crew prepared for Winter Storm Jonas.
- 1/23/16 Winter Storm Jonas-Electric Crew responded to multiple outages and a broken utility pole on Calhoun Rd.
- 1/24/16 Winter Storm Jonas-Electric Crews participated in snow removal throughout City.
- 1/25/16 & 1/26/16 Winter Storm Jonas clean-up and snow removal.
- 1/26/16 Replaced broken pole at Milford Little League Ballpark due to Winter Storm Jonas.
- 1/27/16 Electric Crew picked up poles and cleaned and put away all equipment that was used during storm.
- 1/27/16 9:00 a.m. Rick attended AMP Smart Meter Presentation.
- 1/28/16 Electric Crew worked on portable power trailer to be used during Festivals.
- 1/29/16 Electric Crew removed 4 trees on Beaver Dam Rd.

Miss Utility Locates

- There were (112) Miss Utility locates completed in January for the Electric and Water Departments.



Milford
Parks & Recreation
Department

MEMO

TO: Mayor and Council

FR: Brad Dennehy
Director of Parks & Recreation

DA: February, 4th 2016

RE: Monthly update from the Parks and Recreation Department

Mayor and Council,

At your request here are some highlights from the month of January, from the Parks & Recreation Department.

- Attended a preliminary meeting with Rob Pierce and design engineers in regards to the removal of the Goat Island Causeway and living shoreline on the Mispillion River.
- Parks and Rec. staff moved gymnastic equipment to Banneker school in preparation of the “tumbling” program which started Jan 9th with ages 3-5 and 6-10 which has been well attended.
- Coordinated completion of DNREC grant applications for structures on Goat Island and new kayak dock.
- Youth Indoor basketball also began January 9th with both instructional and games being played all day at the Boys and Girls Club, with practices being held during the week. All divisions have been filled and we have a strong following of spectators turn out each week to follow the games.



Milford
Parks & Recreation
Department

- Indoor soccer began Sunday January 10th at the Boys and Girls Club for kids in grades 3rd through 8th. This is also a well-attended program offering kids a fast paced workout inside on a Sunday over the winter months.
- Met with the new City Manager to go over the functions and roles of the Parks and Recreation Department.
- Attended a quarterly Milford community cemetery meeting. The section of chain link fencing that was destroyed at the old cemetery by a hit and run vehicle over Thanksgiving weekend has now been removed and replaced.
- Park staff removed Christmas decorations and lights in the downtown over a period of several days.
- Park staff coordinated servicing and winterization of lawn mowers, dog park water fountains and the Can-Do playground bathroom.
- Keith Short (Recreation Supervisor) attended the National Soccer Coaches Association of America, national convention in Baltimore, Maryland.
- Attended a DMI meeting with the City Manager and Rob Pierce to discuss some items raised by the DMI design committee.
- Park staff prepared for the snow storm Jan 22nd/23 and worked both Saturday and Sunday clearing snow at the Boys and Girls club, cemeteries and other City facilities.
- All park land was toured following the blizzard for damage done by flooding. Several trees were knocked down on Goat Island, and a number of items (car tires and pallets) were washed in on the high tide. At the ball fields a wooden pole used to attach the back stop netting at the softball field was snapped off in the high winds. Other than that there was little damage done to the park lands.
- Parks and Rec. office staff decided to have an early spring cleaning by rearranging the layout of the front office to be more accommodating to customers and to remove some of the “clutter”. We have had several people comment on how much more open the front office looks.
- Met with Mayor Shupe, the City Manager and Rob Pierce to discuss the logistics of the “Hungry to Help” volunteer effort, scheduled for March 12th.

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

Thank you.



Milford
Parks & Recreation
Department



Parks & Recreation Youth Indoor basketball, “Villanova” vs “Gonzaga”.



Ralph Skinner, Park Technician removing snow from sidewalks at the Boys and Girls Club.

● 207 Franklin Street ● Milford, Delaware 19963 ● Telephone (302) 422-1104 ● Fax (302) 422-0409

www.cityofmilford.com



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

THURSDAY, FEBRUARY 25, 2016

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.

PROGRAM:

Dr. Janice E. Nevin, President and Chief Executive Officer of the Christiana Care Health System, is the keynote speaker for the February meeting. Dr. Nevin was appointed in 2014 and has served on the faculty at Christiana Care since 2002. She leads the largest health system in Delaware and continues to advance and improve Christiana Care’s affordable and high-quality service base for our residents. Dr. Nevin is a native Delawarean and, among others, serves on the Board of Directors of the United Way of Delaware and the Delaware Community Foundation, and is a member of the Delaware Health Care Commission and Delaware Public Policy Institute.

The League wishes to thank Whiteford Taylor Preston for sponsoring this month’s dinner meeting.

Next Meeting: Thursday, March 24, 2016

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN FEBRUARY 19, 2016

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

_____ 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
- () Check mailed for () dinners @ \$30 each





MILFORD CITY HALL
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

February 3, 2016

Mr. Elmer Fannin
Key Properties Group, LLC
610 Marshall Street
Milford, DE 19963

RE: City of Milford Southeast Master Plan Proposed Amendment
Thawley Farm – Tax Map No(s) 3-30-11.00-70.00, 70.02, 70.05, 70.06, 70.07
Mr. Wiggles – Tax Map No(s) 3-30-11.00-56.00

Dear Mr. Fannin:

The City is in receipt of your letter dated January 5, 2016 containing your request to move forward with the Comprehensive Plan amendment. At this time, the City has decided to not pursue any further amendments to the City's Comprehensive Plan or Southeast Master Plan until a complete update of these documents are completed.

The City is working to update documents and exhibits in order to hold public workshops and hearings related to the overall update. During this process, key stakeholders, including yourself, will have an opportunity to provide comments and suggestions related to the future land use of your properties.

For the Southeast Master Plan, the City will re-engage collaborative efforts with the OSPC, DeIDOT, DNREC and DDA to inspect plan elements and potential changes.

Related to the specific amendment request, the City and State have significant concerns related to commercial access to the above referenced properties. DeIDOT has indicated that direct access to State Route 1 would not be granted and any access would be from Bucks Road, Knollac Acres or Cedar Neck Road. These concerns ultimately effected the change in land use from Highway Commercial to Low Density Residential between the 2008 Comprehensive Plan and the 2011 Southeast Master Plan.

It is anticipated that the Comprehensive Plan and Master Plan update will be completed and certified by the State within the next 12-18 months. If you have any questions, please contact Rob Pierce or me at 302-424-3712.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric Norenberg". The signature is fluid and cursive, with a large loop at the end.

Eric Norenberg
City Manager

c: Mayor and City Council
Rob Pierce

Chapter 57-Planning Commission

§ 57-1. Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§ 57-2. Membership; terms of office.

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§ 57-3. Removal; vacancies.

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

§ 57-4. Ex officio members.

The Mayor and City Manager shall be ex officio members of the Planning Commission and may exercise all of the powers of the regular members; provided, however, that an ex officio member may not hold an office on the Commission and shall have no right to vote on matters coming before the Commission.

§ 57-5. Salaries and compensation.

All members of the Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

§ 57-6. Officers; staff; custodian of records.

The Commission shall elect annually a Chairman and Secretary from among its own number and may employ experts, clerical help and other assistants. The Commission may appoint a custodian of its Comprehensive Plan and records, who may be the City Manager or other employee of the Council.

§ 57-7. Rules of procedure; meetings; records.

The Commission shall adopt its own rules of procedure and determine the times of its meetings and methods of notice thereof. All meetings of the Commission at which any official action is taken shall be open to the public, and all records of the Commission shall be public records.

§ 57-8. Powers and duties; reports.

The Milford Planning Commission shall have all the powers and authority vested in municipal planning commissions under the provisions of Title 22, Delaware Code, Chapter 7, subject to the same conditions and limitations set forth therein at the effective date of this chapter. The Planning Commission shall report at each monthly meeting of the Council and shall present copies of its minutes of the preceding month.

City of Milford Planning Commission

CHAIRMAN

Campbell Arthur J. 6 Little Pond Drive

MEMBERS

Sharp Marvin C. 844 NE Front Street

Lane William J. 7 Hickory Branch Ln

Fry Kerri B. 501 S Walnut St

Holloway W. Ed 116 Starland Way

VACANT

Mims Rae M. 4802E Summer Brook Way

Yosifon Michael 126 N Landing Drive

Fulton Andrew P. 15 E Clarke Avenue

A Plan for Downtown Milford...to make Milford known as a dynamic place to do business; a successful, lively and historic rivertown capturing all of the best of creativity and vibrancy, a community loved by its citizens, attractive to businesses, and a destination for people who want to relax.



STRATEGIES

2016-17

2018-19

2020 & Beyond

Vision

Engage the River

Milford will become Delmarva's premier rivertown, for a place to stroll, shop and dine along the river, along with being a perfect place to get on the water.

- Vinyard Village Microretail
- Hold River Race to expose region to river
- Create a New Event to Highlight River
- Position Milford as Gateway to Bayshore

- Splash Pad
- Fire House Reuse
- Amphitheater / Festival Space
- Destination Riverfront Restaurant

- RiverPlace Mixed Use
- River Bend Mixed-Use
- God's Way Property

Milford is the region's premier rivertown, and the Mispillion is know throughout the region for its beauty.

Create a Destination

Milford will be a vibrant downtown district, with a multitude of shopping options, a selection of restaurants, and the kind of place where people love to spend their time.

- Extended Hours Campaign
- Attract One new Restaurant
- Attract Three New Businesses (Net Gain)
- Skating Center Building Enhancements
- Lou's Bootery Building Enhancements
- Public Safety Campaign
- Co-working Space
- Build Public Restroom/ATM

- Extended Hours Full Weekend
- Art League Building Enhancements
- Warren Furniture Property
- Park Avenue District
- Attract Five New Businesses (Net Gain)
- Riverwalk Plaza Enhancements

- 20 Hour Downtown
- Streetscapes
- Historic Milford Shipyard
- Centennial Park Mixed Use

Milford is the perfect, vibrant, comfortable, engaging small town, the destination to truly enjoy yourself.

Enhance Connections

Milford will come together as one community, realizing that its many groups and organizations are working to make this Milford the best Milford it can be.

- Create a Downtown Development Corp.
- Downtown Entrepreneur Group
- Reconnect with the Downtown Merchants
- Rivertown Rebirth Update
- Bi-annual Rebirth Review
- Chamber Economic Development
- Lights on Park Ave

- Tree Planting
- Extended Street Scape
- Move Basketball Courts
- Events/Programming
- Facade Enhancement Strategies
- Signs to Parking
- Bi-annual Rebirth Review
- Cohesive Business Community

- Facade Masterplan
- Full Wayfinding System
- Bi-annual Rebirth Review

Milford is one community. Through communication, inclusion, & caring, we create a community that symbolizes unity.

ADVERTISEMENT FOR BIDS

City of Milford
201 S. Walnut Street
Milford, Delaware 19963

Sealed bids for furnishing 138 kV Dead End Structure, Switch, and Accessories will be received by the City of Milford, Delaware on or before 2:00 p.m. local time on Thursday, January 14, 2016 at which time the bids will be publicly opened and read in the Council Chambers. Proposals shall be addressed to the City of Milford, 201 South Walnut Street, Milford, Delaware 19963, Attn: Ms. Terri Hudson.

The Contract Documents may be examined at the following locations:

City of Milford, Public Work Facility, 180 Vickers Drive
Progressive Engineering Consultants, Inc.

Milford, Delaware
Charlotte, North Carolina

Copies of the Contract Documents may be obtained at the office of Progressive Engineering Consultants, Inc., P.O. Box 690638, Charlotte, N.C., 28227-7011, or by telephone at (704) 545-7327.

A certified check or cashiers check payable to City of Milford or a satisfactory Bid Bond executed by a Corporate Surety licensed under the laws of Delaware to execute such bonds in the amount equal to five (5) percent of the total bid price shall be submitted with each bid. Bid proposals may not be withdrawn for ninety (90) days after the date of receipt of bids.

The successful bidder shall be required to furnish a separate one hundred (100) percent Performance Bond on the forms included as part of the Contract Documents. The Performance Bond shall be in full force and effect for one (1) year after the date of final acceptance of the equipment by the City of Milford. Contract and Performance Bond are not to be completed at the time of this proposal, and are included in order to advise the Bidder as to form.

The bid deposit or bid bond shall be retained by the City of Milford if the successful bidder fails to execute the contract or fails to provide the required performance bonds, as stated above, within twenty (20) days after award of the contract.

The City of Milford reserves the right to reject any or all bid proposals and to accept any bid proposal which is deemed to be in the best interest of the City.

CITY OF MILFORD, DELAWARE

By _____

Title _____

Progressive Engineering Consultants, Inc.

CONTRACT DOCUMENTS FOR 138 kV DEAD END STRUCTURE WITH DISCONNECT SWITCH & ACCESSORIES

CITY OF MILFORD
MILFORD, DELAWARE

DOCUMENTS PREPARED BY:



R Alan Cobb

P.O. Box 690638 Charlotte, NC 28227-7011
Telephone (704) 545 - 7327 Fax (704) 545 - 2315
progress@pecinc.net

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ADVERTISEMENT FOR BID

SECTION AB

ADVERTISEMENT FOR BIDS

City of Milford
201 S. Walnut Street
Milford, Delaware 19963

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The successful bidder shall be required to furnish a separate one hundred (100) percent Performance Bond on the forms included as part of the Contract Documents. The Performance Bond shall be in full force and effect for one (1) year after the date of final acceptance of the equipment by the City of Milford. Contract and Performance Bond are not to be completed at the time of this proposal, and are included in order to advise the Bidder as to form.

The bid deposit or bid bond shall be retained by the City of Milford if the successful bidder fails to execute the contract or fails to provide the required performance bonds, as stated above, within twenty (20) days after award of the contract.

The City of Milford reserves the right to reject any or all bid proposals and to accept any bid proposal which is deemed to be in the best interest of the City.

CITY OF MILFORD, DELAWARE

By _____

Title _____

NOTICE AND INSTRUCTIONS TO BIDDERS

SECTION NIB

NOTICE AND INSTRUCTIONS TO BIDDERS

NOTICE

The City of Milford, Delaware, hereinafter referred to as the "Purchaser", will receive sealed proposals for furnishing a 138 kV Dead End Structure, Switch, and Accessories. The time and location will be as stated below.

Location: City of Milford
201 S. Walnut Street
Milford, Delaware 19963

Time: 2:00 p.m., local time
Date: Thursday, January 14, 2016

The proposals will then be publicly opened and read in the Council Chambers.

INSTRUCTIONS

1. Bid proposals and all supporting documents must be submitted in a sealed envelope addressed to:

Mailing Address

City of Milford
201 S. Walnut Street
Milford, DE 19963
Attn: Ms. Terri Hudson

2. The name and address of the Bidder, and the date and hour of the opening of the Bids must appear on the envelope in which the Bid is submitted. Proposal shall also be marked "**SEALED PROPOSAL 138 KV DEAD END STRUCTURE, SWITCH, AND ACCESSORIES.**"
3. Bidders will be required to comply with all applicable statutes, regulations, etc., as set forth by the State of Delaware and those attached to and made a part of these bid documents.
4. Each proposal must be accompanied by a certified check on a bank that is a member of the FDIC, payable to the order of the Purchaser, or a Bidder's Bond acceptable to the Purchaser and running in favor of the Purchaser, in an amount equal to five (5) percent of the maximum bid price. If a proposal is accepted, the Bidder agrees that by filing its proposal together with such check or Bidder's Bond in consideration of the Purchaser's receiving and considering such proposal, said proposal shall be firm and binding upon and such check or Bidder's Bond shall be held by the Purchaser for a period not to exceed ninety (90) days from the date set for the opening of the proposals.

5. The successful Bidder will be required to enter into a contract with the Purchaser and to furnish a one hundred (100) percent Performance Bond, on the forms included as a part of these documents, in a penal sum equal to the contract price and with Surety satisfactory to the Purchaser's Attorney. Contract and Performance Bond are not to be completed at the time of this proposal, and are included in order to advise the Bidder as to form. The Performance Bond shall be in full force and effect for one (1) year after the date of final acceptance of the equipment by the Purchaser.
6. Any conditions, requirements, or restrictions included as part of the Bidder's Proposal as set forth in these Notice and Instructions to Bidders may result in the proposal being deemed non-responsive.
7. The Bidder's proposal shall include transportation charges to the substation site located in Milford, Delaware.
8. Each Bidder shall show, as a separate item, the amounts which will be payable by the successful Bidder as a result of taxes imposed by any taxing authority for the sale, purchase, or use of these materials, supplies, and equipment included in the taxable items furnished.
9. The Purchaser reserves the right to waive irregularities or minor errors in the proposal which appear to have been made through inadvertence, provided such irregularities or errors so waived are corrected on the proposal prior to its acceptance by the Purchaser. The Purchaser also reserves the right to reject any and all proposals or to accept any proposal which is deemed to be in the best interest of the Purchaser.
10. Specifications may be obtained at the office of the Purchaser's Engineer, Progressive Engineering Consultants, Inc., P.O. Box 690638, Charlotte, North Carolina 28227, or by calling (704) 545-7327.

CITY OF MILFORD
MILFORD, DELAWARE
(Purchaser)

PROGRESSIVE ENGINEERING CONSULTANTS INC.
(Engineer)

Date: December 14, 2015

BIDDERS PROPOSAL

SECTION BP

**TO: CITY OF MILFORD
MILFORD, DELAWARE**

Gentlemen:

The undersigned has carefully examined the attached form of Notice and Instructions, Contract, Bond, and Specifications and hereby declares that he will furnish the material, equipment, and services as specified for the following price:

SECTION 1

138 kV Dead End Structure, Switch
and Accessories as Specified

Bid Price \$ _____

MANUFACTURER:

Steel -

138 kV Switch -

Lighting Arresters -

DELIVERY:

Anchor Bolts -

Balance of Structure/Switch

APPLICABLE PRICE TERMS

EXCEPTIONS / CLARIFICATIONS

Bidder

By

Address

Print Name

City State Zip

Title

Telephone

Date

CONTRACT

SECTION C

**CONTRACT DOCUMENTS
FOR
138 kV DEAD END STRUCTURE
WITH DISCONNECT SWITCH & ACCESSORIES**

THIS AGREEMENT, made and contracted this _____ day of _____, 2016 between the City of Milford, Delaware (hereinafter called the Purchaser), party of the first part, and _____ hereinafter called the Materialman, party of the second part.

ITEM 1. WITNESSETH: That for and in consideration of the payments and agreements to be made and performed by the Purchaser, and under penalty expressed in the bond bearing even date with these presents, and hereunto annexed, the Materialman at its own proper cost and expense, and with skill and diligence, will furnish _____

_____ for the total sum of _____ Dollars (\$_____) and furnish same in accordance with the Notice and Instructions to Bidders, Proposal and Specifications attached in full compliance with the agreement.

ITEM 2. And the said Materialman agrees to accept the price stated under Item 1 above in full compensation for the performance of this contract.

ITEM 3. This contract together with the aforementioned documents constitutes the entire agreement between the Purchaser and the Materialman.

ITEM 4. On completion of this contract by the Materialman and acceptance by the Purchaser as being in accordance with all portions of this contract, the Purchaser shall pay the above named contract price as follows: _____

ITEM 5. The Materialman shall be responsible for all fees or claims for any patented invention used by him, and shall defend any suit or proceeding for infringement of any patent or patents covering materials purchased hereunder which may be brought against the Purchaser and shall hold said Purchaser harmless for use or infringement of any patented thing or method used in connection with any article, equipment, device, or thing furnished or constructed hereunder.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed by their duly authorized representatives all as of the day and year first above written.

Executed in three (3) counterparts.

(Materialman)

ATTEST:

Secretary

By _____
Title _____

SEAL

CITY OF MILFORD
MILFORD, DELAWARE
(Party of the First Part)

ATTEST:

City Clerk

By _____
Title _____

SEAL

BOND

SECTION B

BOND

KNOW ALL MEN that we, _____ of _____,
County of _____, State of _____,
hereinafter called the Principal, and _____,
hereinafter called the Surety or Sureties, are held and firmly bound to the City of Milford,
Delaware, hereinafter called the Purchaser, in the sum of _____
_____ Dollars (\$ _____) for payment whereof
the Principal and the Surety or Sureties bind themselves, their heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has, by means of a written Agreement, dated the _____ day of _____,
_____, 2016 entered into a contract or agreement with the Purchaser for _____

a copy of which Agreement is hereto attached and made a part hereof:

NOW THEREFORE, the condition of this obligation is such, that if the Principal shall faithfully
perform the said contract on his, its, or their part, and satisfy all claims and demands incurred for
the same and shall fully indemnify and save harmless the Purchaser from all cost and damage
which the Purchaser may suffer by reason of failure to do so, and shall fully reimburse and repay
the Purchaser all outlay and expense which the Purchaser may incur in making good any such
default, and shall pay all persons who have contracts with the Principal, or any sub-contractor of
the said Principal for labor, or material, or both, then this obligation shall be null and void,
otherwise, it shall remain in full force and effect.

And said Surety, for value received, hereby stipulates and agrees that no change, extension of
time, alteration or addition to the terms of the contract or to the work to be performed there
under or the specifications accompanying the same shall in any wise affect its obligations on this
bond, and it does hereby waive notice of any such change, extension of time, alteration or
addition to the terms of the contract of to the work or to the specifications.

IN TESTIMONY WHEREOF witness the hands and seals of the parties hereto on this ____ day
of _____, 2016.

Executed in three (3) counterparts.

(Contractor-Principal)

ATTEST:

By _____

By _____

Print Name _____

Print Name _____

Title _____

Title _____

SEAL

(Surety Company)

(Witness as to Surety)

By _____

Print Name _____

Title _____

Countersigned:

(Licensed Resident Agent)

SEAL

INSTRUCTIONS

Bonds must be executed by a Surety Company authorized to conduct business in the State of
Incorporation of the Owner, acknowledged before a Notary Public, and accompanied by Power
of Attorney or other authority satisfactory to the Owner.

SPECIFICATIONS

SECTION S

**SPECIFICATIONS
FOR
138 kV DEAD END STRUCTURE
WITH DISCONNECT SWITCH & ACCESSORIES**

1.1 RATING

These specifications cover one outdoor A-frame dead end structure for use on a system rated 138 kV nominal, 145 kV maximum, 650 kV BIL, designed for one incoming and outgoing 3 wire circuit, overhead shield wires, and additional equipment as specified.

1.2 ARRANGEMENT

The arrangement of the 138 kV dead end structure shall be as shown on the drawing included in the attached Appendix A, and shall consist of equipment as specified herein. Each bidder shall furnish a drawing showing the general arrangement of the structure with his proposal.

1.3 STANDARDS

The latest revision of the ANSI, IEEE, and NEMA standards shall apply to all equipment supplied as a part of these specifications.

The Purchaser reserves the right to reject any and all equipment, material or design that, in the opinion of the Engineer, fails to meet the requirements of these specifications.

1.4 FEATURES

These specifications cover one 138 kV dead end structure, complete, including the necessary structure, connectors, switch, line dead ending terminals, insulators, anchor bolts, grounding equipment and lightning arresters. The specifications do not include foundations or installation.

1.5 STRUCTURAL DESIGN

The 138 kV dead end structure shall be constructed of wide flange beams with supports and trusses, angular bracing as required, and shall be designed as a completely self supporting (non-guyed) structure.

Structural steel shall conform to the latest revision of ASTM Specification A-36. Bolts shall conform to the latest revision of ASTM Specification A-394. All structural steel shall be hot dipped galvanized after fabrication in accordance with the latest revision of ASTM Specification A-123-59.

The structure shall be designed to withstand the maximum tensions as shown on the attach drawing. Structure and internal busses shall be designed to withstand the mechanical forces associated with symmetrical short circuit currents of 20,000 amperes at 138 kV.

Complete design calculations and base reactions for the entire dead end structure shall be submitted with the drawings for approval. No fabrication of steel shall be undertaken until shop drawings have been approved. All final drawings and design calculations shall bear the seal of a registered professional engineer licensed to practice in the State of Incorporation of the Purchaser.

1.6 CONNECTIONS

The supplier shall include wire and connections for lightning arresters mounted on the structure for connection to 336.4 ACSR conductor.

The incoming and outgoing 138 kV strain type phase conductor and overhead shield wire dead end clamps shall be furnished by others. Insulators shall be furnished as a part of these specifications. The structure shall include the necessary fittings for attachment of the dead end assemblies to the structure.

1.7 CLEARANCES

The following clearances shall be provided:

1. A minimum attachment height of 38 feet and 30 feet above ground line for the overhead shield wires and the incoming 138 kV phase conductors respectively.
2. A minimum height of 14 feet above ground line for any exposed part which is energized at 138 kV.
3. Minimum phase spacing at point of attachment of 10 feet for 138 kV conductors.

1.8 GROUNDING

Material shall be furnished for a suitable above grade structure grounding system. Steel supports, trusses, overhead shield wires, lightning arresters, switch, switch handle, ground plate, and any other necessary equipment shall be grounded. All above ground connections shall be of copper compression type.

The structure shall be shielded by overhead static bayonets on each end. Each static bayonet, peak, and overhead shield wire shall be bonded to the 4/0 structure ground by a 4/0 copper conductor. Clamp type connectors shall be provided at each support base and along each support and truss at approximately four foot intervals. The connectors shall be of a size that will accept the No. 4/0 stranded copper ground conductor.

A ground plate shall be supplied for the group operated switch location. The 4/0 ground loop shall be connected to the ground plate by a 4/0 copper conductor at two (2) locations. The plate shall be located at the base of the structure beneath the switch operating handle. The group operated switch handle shall also be bonded to the 4/0 copper ground grid.

1.9 STRAIN INSULATORS

Six strain insulators shall be furnished and shall be MacLean type VX with the following specifications:

138 kV with Y-Clevis structure fitting and Oval Eye line fitting
25 Klb SML
X-Dimension = 54"
Section length = 65.2"
Dry Electrical Flashover = 559 kV
95" Leakage

1.10 138 kV GROUP OPERATED SWITCH

One (1), three phase, group operated, air break switch rated 138 kV nominal, 145kV maximum, 650 kV BIL, 600 amperes continuous, 40,000 amperes momentary, shall be furnished. Switch shall be group operated, vertical air break, triple pole, single throw, manually operated, rotating insulator, three insulator, horizontal mounting. The manual operating mechanism, including pipe and pipe guides, shall be of the rotating type, with position indicator and provision for padlocking either in the open or closed position. Switch shall be furnished with arcing horns suitable for non load break operation.

The switch operator shall include adjustable stops which will not allow the handle to rotate beyond the open or close position.

Terminal pads and compression connectors for 336.4 ACSR, 26/7 conductor shall be furnished. All steel furnished as a part of the switch shall be hot dipped galvanized and have welded mounting flanges for mounting to the steel structure. Connectors for both the hinge and jaw ends shall be furnished.

All insulators furnished as part of the air break switch shall be grey porcelain.

Switch furnished shall be Cleaveland Price model V2-CA vertical break.

1.11 LIGHTNING ARRESTERS

Three (3) lightning arresters, station type, gapless, metal oxide varistor, with gray porcelain housing, with a duty cycle rating of 120 kV and maximum continuous operating voltage suitable for use on a 138 kV three wire system on which the terminal voltage may vary + 10 percent shall be furnished.

Lightning arresters shall be connected with parallel bolted type connectors suitable for 336.4 ACSR and 2/0 copper conductors.

Lightning arresters shall be mounted on the dead end structure and connected on the load side of the disconnect switch.

1.12 ADDITIONAL GROUNDING MATERIAL TO BE FURNISHED

The following grounding materials shall be furnished in addition to the above ground structure grounding materials required by these specifications:

- 750' - 4/0 SD stranded copper
- 250' - 2/0 SD stranded copper
- 200' - #2 tinned solid copper
- 15 - 4/0 to 4/0 parallel copper compression connectors
- 30 - Split bolts for #2 tinned copper to barbed wire
- 12 - 2.5 inch O.D. line post clamps 2/0 to #2 tinned copper
- 3 - 4.0 inch O.D. corner post clamps 2/0 to #2 tinned copper
- 15 - thermo-weld connections 4/0 run to 4/0 copper tap, weld metal, and mold
- 15 - thermo-weld connections 2/0 run to 2/0 tap tinned copper tap, weld metal, and mold

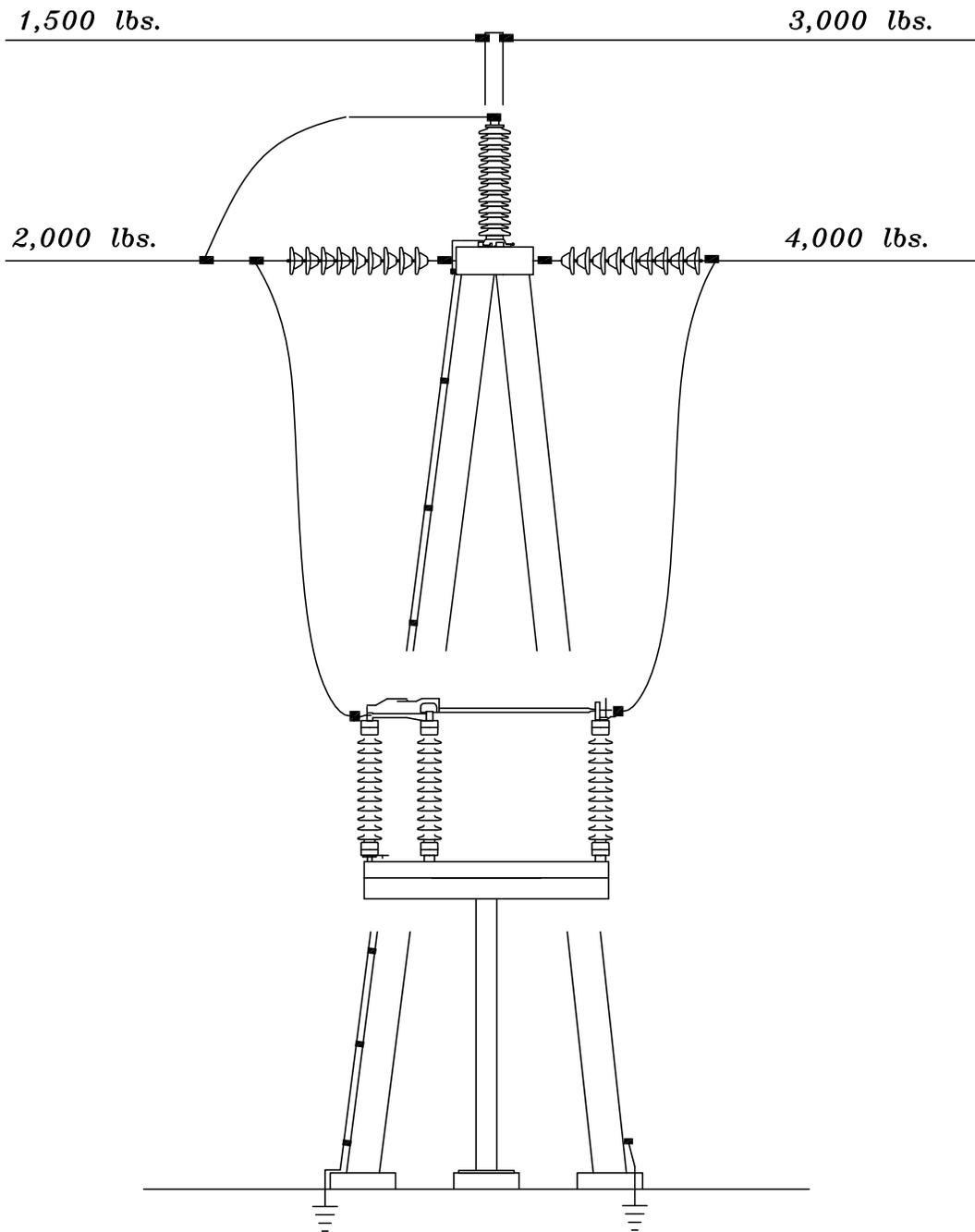
- 15 - thermo-weld connections 2/0 run to 4/0 copper tap, weld metal, and mold
- 24 - thermo-weld connections 4/0 run to 3/4" ground rod, weld metal, and mold
- 15 - thermo-weld connections 2/0 run to 3/4" ground rod, weld metal, and mold
- 20 - thermo-weld connections 4/0 to 4/0 cross, weld metal, and mold

1.13 DRAWINGS AND INSTRUCTIONS

Subsequent to notification of award of contract, the successful Bidder shall, within four weeks, furnish for approval two (2) sets of Drawings and Instructions covering the physical size, weight, dimensions, arrangement, electrical characteristics, wiring diagram and other pertinent data for structure, lightning arresters, switch, and all other equipment furnished as a part of these specifications. Drawings for approval shall include an itemized material list with catalog numbers, overall wiring diagrams, anchor bolt plan, erection drawings, and general arrangement drawings. Steel erection drawings shall show member sizes and connections. All material item numbers shall be shown on the arrangement drawings. The Supplier shall also furnish four (4) prints of the finally approved issue of each drawing, along with four (4) sets of written instructions and renewal parts lists, suitably illustrated, covering the operation and maintenance of the equipment applying specifically to this installation. The supplier shall also furnish digital copies of all drawings on diskette for use in AutoCad.

1.14 SHIPMENT

The structure shall be shipped, to the extent possible, with structure and trusses completely assembled and marked for field erection. Individual material items shall be marked with item numbers corresponding to the item numbers shown as on the general arrangement drawings and material summary lists. All material and equipment shall be delivered in a maximum of three (3) shipments. The Bidder shall note as a part of the proposal the extent of assembly planned for shipment of the structure.



DEAD END CLAMPS BY OTHERS

DWG. NO.
158-25-009

*CITY OF MILFORD
MILFORD, DELAWARE*

*138 KV DEAD END STRUCTURE
AND SWITCH*

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

Bidders List
City of Milford, Delaware
Delivery No. 1
Deadend Structure and Switch

Associated Substation Engineering
919 Alabama Ave., South
Bremen, GA 30110
Attn: Mr. Shane Smith
ssmith@aseng.com

Aubrey Silvey Enterprises, Inc.
371 Hamp Jones Road
Carrollton, GA 30117
Attn: Mr. Vann Pelt
vpelt@silvey.com

Anixter / H D Supply
51 Steel Drive
New Castle, DE 19720
Attn: Ms. Cheryl Conaway
cheryl.conaway@anixter.com

Distran Products Inc.
4725 Hwy 28 East
Pineville, LA 71360
Attn: Mr. David Ducote
david.ducote@distran.com

Ensales, Inc.
PO Box 332
Beulaville, NC 28518
Attn: Mr. Fred Murray
fmurray@ensales.com

Hamby Young
1245 Danner Drive
Aurora, OH 44202
Attn: Mr. Greg Blunt
gcblunt@hambyyoung.com

M D Henry Company
120 Clark Street
Pelham, AL 35124
Attn: Ms. Sharon Boutwell
scboutwell@mdhenryco.com

R. W. Chapman
P.O. Box 240748
Charlotte, NC 28224
Attn: Ms. Kelly Tippins
ktippins@rwchapman.com

Substation Enterprises
145 Commercial Court
Alabaster, AL 35007
Attn: Mr. Michael Zarichnak
mgzsubenterprises.com

Tatman & Associates
29015 Solon Road
Solon, OH 44139
Attn: Mr. Ed Tatman
tatmansub@sbcglobal.net

Utility Resource Associates
3720 Camden Hwy
Dalzell, SC 29040
Attn: Mr. Reggie Kerns
reggie@utilres.com

V&S Schuler Engineering, Inc.
2240 Allen Avenue S.E.
Canton, OH 44707
Attn: Mr. Warren Nadler
wnadler@vsschuler.com

WESCO Distribution Inc.
2902 North Blvd.
Richmont, VA 23230
Attn: Ms. Mary Faye Leap
mleap@wesco.com / mleap@anixter.com

**CITY OF MILFORD
MILFORD, DELAWARE**

138 kV Deadend Structure & Accessories

Bid Date: Thursday, January 14, 2016 @ 2 p.m.

<u>BIDDER</u>	<u>Substation Enterprises</u>	<u>Hamby Young (WESCO)</u>	<u>Tatman Associates</u>	<u>Associated Substation Engineering, Inc.</u>
<u>BID BOND</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>SECTION 1 : UNIT PRICE</u>				
<u>138 kV Dead End Structure, Switch and Accessories as specified</u>	<u>\$45,426.00</u>	<u>\$54,694.82</u>	<u>\$58,200.00</u>	<u>\$73,700.00</u>
<u>MANUFACTURER</u>				
<u>Steel</u>	<u>Substation Enterprises Midsouth Fab.</u>	<u>Klute, Inc.</u>	<u>Tatman Associates</u>	<u>ASE, Inc.</u>
<u>138 kV Switch</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>
<u>Lighting Arresters</u>	<u>Ohio Brass or ABB</u>	<u>Ohio Brass</u>	<u>Hubbell</u>	<u>Siemens</u>
<u>DELIVERY</u>				
<u>Anchor Bolts</u>	<u>6-8 Weeks ARO</u>	<u>See Leadtime Schedule</u>	<u>18-20 Weeks</u>	<u>2-3 Weeks ADA</u>
<u>Balance of Structure / Switch</u>	<u>16-18 Weeks ARO</u>	<u>See Leadtime Schedule</u>	<u>Structure: 18-20 Weeks Switch: 20-21 Weeks Balance of Items: 18-20 Weeks</u>	<u>16-18 Weeks ADA</u>
<u>APPLICABLE PRICE TERMS</u>	<u>Not Listed</u>	<u>Not Listed</u>	<u>Net 20</u>	<u>Net 30</u>
<u>EXCEPTIONS / CLARIFICATIONS</u>	<u>None</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone : (704) 545-7327

Fax : (704) 545-2315

progress@pecinc.net

January 21, 2016

City of Milford
180 Vickers Drive
Milford, DE 19963
Attn: Mr. Rick Carmean

(Via: Electronic Mail)

Re: Award Recommendation – Delivery #1 Dead-End Structure and Switch

Dear Mr. Carmean:

Sealed bids were received, publicly opened and read on January 14, 2016 for furnishing the referenced equipment to be installed in your 138 kV Delivery #1. As shown by the enclosed tabulation of bids received, Substation Enterprises, Inc. offered the most attractive proposal in the amount of \$45,426.00. We have reviewed the proposal and believe it to be in compliance with the requirements of the specifications and therefore recommend this proposal for acceptance.

Please notify us of your decision in order that we may issue the Bidder a Notice to Proceed.

Should you have questions or comments, please call.

Very Truly Yours,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

By *R. Alan Cobb*
R. Alan Cobb, P.E.

RAC
012116rc

**CITY OF MILFORD
MILFORD, DELAWARE**

138 kV Deadend Structure & Accessories

Bid Date: Thursday, January 14, 2016 @ 2 p.m.

<u>BIDDER</u>	<u>Substation Enterprises</u>	<u>Hamby Young (WESCO)</u>	<u>Tatman Associates</u>	<u>Associated Substation Engineering, Inc.</u>
<u>BID BOND</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>SECTION 1 : UNIT PRICE</u>				
<u>138 kV Dead End Structure, Switch and Accessories as specified</u>	<u>\$45,426.00</u>	<u>\$54,694.82</u>	<u>\$58,200.00</u>	<u>\$73,700.00</u>
<u>MANUFACTURER</u>				
<u>Steel</u>	<u>Substation Enterprises Midsouth Fab.</u>	<u>Klute, Inc.</u>	<u>Tatman Associates</u>	<u>ASE, Inc.</u>
<u>138 kV Switch</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>	<u>Cleveland Price</u>
<u>Lighting Arresters</u>	<u>Ohio Brass or ABB</u>	<u>Ohio Brass</u>	<u>Hubbell</u>	<u>Siemens</u>
<u>DELIVERY</u>				
<u>Anchor Bolts</u>	<u>6-8 Weeks ARO</u>	<u>See Leadtime Schedule</u>	<u>18-20 Weeks</u>	<u>2-3 Weeks ADA</u>
<u>Balance of Structure / Switch</u>	<u>16-18 Weeks ARO</u>	<u>See Leadtime Schedule</u>	<u>Structure: 18-20 Weeks Switch: 20-21 Weeks Balance of Items: 18-20 Weeks</u>	<u>16-18 Weeks ADA</u>
<u>APPLICABLE PRICE TERMS</u>	<u>Not Listed</u>	<u>Not Listed</u>	<u>Net 20</u>	<u>Net 30</u>
<u>EXCEPTIONS / CLARIFICATIONS</u>	<u>None</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: December 2015

Cash Balance - General Fund Bank Balance	\$4,615,499
Cash Balance - Electric Fund Bank Balance	\$4,393,673
Cash Balance - Water Fund Bank Balance	\$2,467,428
Cash Balance - Sewer Fund Bank Balance	\$1,235,730
Cash Balance - Trash Fund Bank Balance	\$214,561

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	438,070	1,191,305	1,600,619	0
Deposits			190,542	
Interest Earned this Month	50	137	201	
Disbursements this Month	(6,472)		(48,333)	
Investments				250,000
Ending Cash Balance	\$431,648	\$1,191,442	\$1,743,029	\$250,000

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	784,005	6,181,097	3,126,565	5,239,900
Deposits				
Interest Earned this Month	302	1,108	559	941
Disbursements this Month		(136,350)	(13,895)	
Investments	250,000			
Ending Cash Balance	\$1,034,307	\$6,045,855	\$3,113,229	\$5,240,841

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	\$1,356,144	893,513	384,915	944,028
Deposits	34,491	18,222	18,000	
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	\$1,390,635	\$911,735	\$402,915	\$944,028

INTEREST THROUGH THE SIXTH MONTH OF THE FISCAL YEAR:

General Fund	5,840	Water Fund	1,627
GF Capital Reserves	1,177	Water Capital Reserves	4,137
Municipal Street Aid	842	Sewer Fund	943
Real Estate Transfer Tax	1,197	Sewer Capital Reserves	2,144
Electric Fund	3,470	Trash Fund	3,385
Electric Reserves	3,398		

TOTAL INTEREST EARNED TO DATE \$28,160

REVENUE REPORT

Page Two

Date: December 2015	AMOUNT BUDGETED	MTD	YTD	50% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	175,805	47,092	121,288	68.99%
General Fund Reserves	300,000	13,450	32,651	10.88%
Realty Transfer Tax-Police	575,000	48,333	285,000	49.57%
Real Estate Tax	3,731,000	1,562	3,723,489	99.80%
Business License	35,000	12,325	15,425	44.07%
Rental License	85,000	27,450	29,950	35.24%
Building Permits	60,000	16,017	49,268	82.11%
Planning & Zoning	15,000	0	12,882	85.88%
Grasscutting Revenue	16,000	0	8,000	50.00%
Police Revenues	437,000	79,120	307,404	70.34%
Misc. Revenues	268,000	8,544	84,728	31.61%
Transfers From	3,215,480	267,956	1,607,740	50.00%
Total General Fund Revenues	\$8,913,285	\$521,849	\$6,277,825	70.43%
Water Revenues	2,901,930	392,245	1,440,281	49.63%
Sewer Revenues	2,306,500	359,330	1,308,753	56.74%
Kent County Sewer	1,700,000	267,922	938,278	55.19%
Solid Waste Revenues	1,113,855	107,309	546,706	49.08%
Electric Revenues	26,085,126	2,957,514	13,266,129	50.86%
TOTAL REVENUES	\$43,020,696	\$4,606,169	\$23,777,972	55.27%
YTD Enterprise Expense		28,052		
YTD Enterprise Revenue		47,936		
LTD Carlisle Fire Company Building Permit Fund		120,490		

EXPENDITURE REPORT

Page Three

Date: December 2015

50% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	479,029	\$22,493	245,463	51.24%	233,566
O&M	146,631	\$12,861	100,254	68.37%	46,377
Capital	0	\$0	0		0
Total City Manager	\$625,660	\$35,354	\$345,717	55.26%	279,943
Planning & Zoning					
Personnel	164,730	\$17,984	78,784	47.83%	85,946
O&M	40,130	\$3,922	15,336	38.22%	24,794
Capital	0	\$0	0		0
Total P, C & I	\$204,860	\$21,906	\$94,120	45.94%	110,740
Code Enforcement & Inspections					
Personnel	150,420	\$16,368	71,798	47.73%	78,622
O&M	67,940	\$2,218	23,683	34.86%	44,257
Capital	0	\$0	0		0
Total P, C & I	\$218,360	\$18,586	\$95,481	43.73%	122,879
Council					
Personnel	31,225	\$3,575	16,234	51.99%	14,991
O&M	45,480	\$4,252	18,542	40.77%	26,938
Council Expense	19,365	\$1,333	15,168	78.33%	4,197
Contributions	211,000	\$870	70,530	33.43%	140,470
Codification	4,500	\$0	4,496	99.91%	4
Employee Recognition	11,495	\$10,903	10,903	94.85%	592
Insurance	24,365	\$0	14,640	60.09%	9,725
DEDO/Downtown Grant	23,250	\$0	0	0.00%	23,250
Economic Development	5,000	\$5,000	5,000	100.00%	0
Armory Expenses	19,505	\$0	4,497	23.06%	15,008
Total Council	\$395,185	\$25,933	\$160,010	40.49%	235,175
Finance					
Personnel	359,015	\$43,996	177,824	49.53%	181,191
O&M	58,855	\$3,718	30,529	51.87%	28,326
Capital	6,425	\$0	6,424	99.98%	1
Total Finance	\$424,295	\$47,714	\$214,777	50.62%	209,518
Information Technology					
Personnel	189,010	\$14,341	58,347	30.87%	130,663
O&M	175,480	\$1,306	51,713	29.47%	123,767
Capital	62,760	\$0	50,331	80.20%	12,429
Total Information Technology	\$427,250	\$15,647	\$160,391	37.54%	266,859

EXPENDITURE REPORT

Page Four

Date: December 2015

50% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,897,786	\$450,875	1,832,508	47.01%	2,065,278
O&M	496,719	\$23,098	292,258	58.84%	204,461
Capital	84,000	\$0	80,900	96.31%	3,100
Total Police	\$4,478,505	\$473,973	\$2,205,666	49.25%	2,272,839
Streets & Grounds Division					
Personnel	470,530	\$44,600	192,165	40.84%	278,365
O&M	458,605	\$22,068	170,513	37.18%	288,092
Capital	120,000	\$0	0	0.00%	120,000
Debt Service	17,140	\$15,975	15,975	93.20%	1,165
Total Streets & Grounds	\$1,066,275	\$82,643	\$378,653	35.51%	687,622
Parks & Recreation					
Personnel	578,680	\$54,901	300,313	51.90%	278,367
O&M	259,923	\$16,367	115,279	44.35%	144,644
Capital	241,292	\$100	55,119	22.84%	186,173
Total Parks & Recreation	\$1,079,895	\$71,368	\$470,711	43.59%	609,184
Total General Fund					
Operating Budget	\$8,920,285	\$793,124	\$4,125,526	46.25%	4,794,759

EXPENDITURE REPORT

Page Five

Date: December 2015

50% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	310,855	\$33,004	148,379	47.73%	162,476
O&M	1,029,160	\$67,440	411,478	39.98%	617,682
Capital	583,000	\$50,538	79,471	13.63%	503,529
Debt Service	978,915	\$218,142	313,521	32.03%	665,394
Total Water	\$2,901,930	\$369,124	\$952,849	32.84%	1,949,081
Sewer Division					
Personnel	310,855	\$33,001	148,367	47.73%	162,488
O&M	1,151,560	\$82,033	458,750	39.84%	692,810
Capital	286,630	\$0	48,842	17.04%	237,788
Debt Service	557,455	\$358,398	383,869	68.86%	173,586
Sewer Sub Total	\$2,306,500	\$473,432	\$1,039,828	45.08%	1,266,672
Kent County Sewer	1,700,000	\$134,734	937,754	55.16%	762,246
Total Sewer	\$4,006,500	\$608,166	\$1,977,582	49.36%	2,028,918
Solid Waste Division					
Personnel	390,810	\$42,275	187,356	47.94%	203,454
O&M	723,045	\$55,793	324,895	44.93%	398,150
Capital	0	\$0	0		0
Total Solid Waste	\$1,113,855	\$98,068	\$512,251	45.99%	601,604
Total Water, Sewer Solid Waste	\$8,022,285	\$1,075,358	\$3,442,682	42.91%	4,579,603
Electric Division					
Personnel	1,256,805	\$133,899	572,705	45.57%	684,100
O&M	1,723,726	\$115,796	693,469	40.23%	1,030,257
Transfer to General Fund	2,500,000	\$208,333	1,250,000	50.00%	1,250,000
Capital	635,000	\$0	5,795	0.91%	629,205
Debt Service	344,595	\$250,573	250,573	72.72%	94,022
Electric Sub Total	\$6,460,126	\$708,601	\$2,772,542	42.92%	3,687,584
Power Purchased	19,625,000	\$1,456,841	9,489,398	48.35%	10,135,602
Total Electric	\$26,085,126	\$2,165,442	\$12,261,940	47.01%	13,823,186
TOTAL OPERATING BUDGET	\$43,027,696	\$4,033,924	\$19,830,148	46.09%	23,197,548

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: December 2015

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	50% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	87,380	10,311	42,606	48.76%	44,774
O&M	73,580	4,070	27,064	36.78%	46,516
Capital	0	0	0		0
Total Garage Expense	\$160,960	14,381	\$69,670	43.28%	91,290
Public Works					
Personnel	162,720	8,782	36,126	22.20%	126,594
O&M	208,075	13,553	66,083	31.76%	141,992
Capital	0	0	0		0
Total Public Works Expense	\$370,795	22,335	\$102,209	27.56%	268,586
Billing & Collections					
Personnel	539,665	52,642	264,180	48.95%	275,485
O&M	208,420	14,296	97,185	46.63%	111,235
Capital	20,000	0	17,285	86.43%	2,715
Total Billing & Collections	\$768,085	66,938	\$378,650	49.30%	389,435
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	57,630	2,540	23,457	40.70%	34,173
Capital	0	0	0		0
Total City Hall Cost Allocation	\$57,630	2,540	\$23,457	40.70%	34,173

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
January 5, 2016

A Meeting of the Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, January 5, 2016.

PRESIDING: Economic Development Committee Chairman Garrett Grier

IN ATTENDANCE: Mayor Bryan Shupe

Economic Development Committee:
Councilman James Starling

City Manager Eric Norenberg
City Clerk Terri Hudson

Chairman Grier called the meeting to order at 5:31 p.m. He announced that Committee Member Chris Mergner was unable to attend. Finance Director Jeff Portmann and City Planner Rob Pierce were also in attendance.

Mr. Grier explained the purpose of the meeting is to discuss some incentives for potential buyers at the Greater Milford Business Park and/or Independence Commons. He recalled the meeting when council expressed a great deal of concern about the previous concept presented at their last meeting.

Since that time, Mr. Grier said they had a follow-up meeting with the business who is interested in the business park. The possibility of a lease structure was presented to the owners who were very receptive to the idea.

Mr. Grier explained that the value of the land would be paid back over a time frame that will be determined by the city. At the end of the contract/agreement, the land would be deeded to the business.

Mayor Shupe asked Planner Rob Pierce to discuss some incentives that may be offered during that time frame. The mayor believes the city can provide a tax abatement on the improvements because the land will remain in the city's name. Mr. Grier agrees that will be very attractive to a potential buyer.

Mr. Pierce noted that Kent County would still collect taxes on the improvements because it would be privately owned.

He clarified that this would be structured as a land installment contract, as was recommended by City Solicitor David Rutt. The term is still up for discussion.

Mr. Grier does not feel the city has done a very good job of marketing the business park. Mr. Pierce agreed adding there are two parcels left on the business park (south of Airport Road) side and the goal is to get someone in there and the property developed.

Mr. Grier asked if there will be a different offer to an entity bringing only five jobs and whether it should be altered based on the number of new jobs being created. He feels we need to tie in a job factor. Mayor Shupe agreed and described some possible one-person situations that would not really benefit the city.

Both Mr. Grier and Mayor Shupe feels that an economic development tie in is needed.

The city planner added that even though the business may only be bringing five, ten or fifteen positions, some incentives should be offered but not to the degree of those coming in with thirty or fifty jobs. For example, building permit, impact fees or site plan review fees could be waived. However, there should be thirty plus jobs before the land installment option should be considered.

He emphasized the need for the city to receive the benefit of numerous jobs to justify allowing a business to pay for the land over a twenty plus year period.

Mr. Grier noted that one business wants two acres and will bring in thirty plus jobs. However, typically, a one-acre office

complex will not bring in near that number of jobs.

Mayor Shupe agrees that in the case of a business bringing five, ten or fifteen jobs, the city could start with impact fees waivers. We could also consider building permit fees. The land installment concept should only be considered for those bringing thirty plus jobs. He concurs with Mr. Pierce that if the city holds the land long terms for that business, we need to make sure there is a provision in the agreement that they keep that number of jobs throughout that period of time.

Mr. Grier feels that if they do not maintain the jobs, they need to be forced to purchase the property or surrender their assets/improvements.

Mr. Pierce said a lot of smaller items such as impact and building permit fee waivers are more up front costs. The city does not have to be quite as strict with those over that entire period of time. He suggests possible two or three years. However, any business in a long term lease needs to be audited by the city on an annual basis. Should they dip below the required number in one year, he recommends not penalizing them if they are above that number over the three-year average, for example.

Mr. Grier agrees adding that in that situation, they would be given the option to buy out the contract. They could possibly get two or three years in and during that time, they possibly have paid off some other debt and may want to purchase it at that point. He said that is an option that needs to be left open.

Regardless, this option certainly creates a positive cash flow. He explained that if a business borrowed \$125,000 or \$250,000, in this manner they are not required to put down the 20% needed to acquire the loan through a bank or financial institute. In addition, no city property taxes are being paid during this time. Both are substantial savings.

Finance Director Portmann said that in order to encourage them to purchase the property, they will need an incentive on the tax end. Otherwise, they will not be motivated to purchase the land if they have to start paying taxes. For example, if they are given a twenty-year lease/purchase agreement, and in year three they want to buy the parcel, perhaps a tax waiver of some degree should be considered for the remaining seventeen years. If not, he does not believe they will purchase it.

Mr. Portmann advised that the city will be receiving a new appraisal of the property. The proposal will be presented to city council for their approval on Monday. This will provide us with a more up-to-date value of the lots.

Mr. Pierce said he contacted Jamie Masten and asked for an estimate to appraise the remaining parcels. Mr. Masten believes it will be in the range of \$1,900. The appraisal would include the two undeveloped lots on the business park side in addition to those in Independence Commons.

Mayor Shupe reported that DEDO has offered to assist with marketing the business park for the city. Once we have the updated appraisal, they will add the information to their website, brochures etc.

He said he often receives phone calls from them asking what properties are available for a potential business looking for a site.

Mr. Portmann agrees that adding incentives would really make the deal even more attractive. He suggests starting that right away noting that it has taken three to four months to get to this point.

Mr. Pierce stated that both the State of Delaware and Kent County provide forms where a picture of commercial/industrial site and related information can be posted. The City of Dover and Town of Smyrna both have potential properties listed on the Kent County Economic Development Offices' website.

It was confirmed that the city is prohibited from paying any commission on land sales in the business park. That was part of the grant agreement when the city purchased the property. Mr. Pierce suggested paying that out of city funds; Mr. Portmann explained the buyer pays all funds associated with the purchase.

Mr. Grier asked if the committee is interested in having Mr. Rutt structure an agreement for Monday's council meeting; It was agreed a program needs to be developed in which any potential buyer that qualifies could take advantage of.

Mr. Grier emphasized that to qualify, the business must bring a minimum of thirty jobs. However, Council will make the ultimate decision on the number of jobs required.

Mr. Portmann asked if this only applies to the Greater Milford Business Park or if it includes Independence Commons. It was agreed this would only apply to the business park at this point.

Mr. Pierce questioned if this would be ready for Monday; City Manager Norenberg suggests a conceptual at this point noting there is not enough time to develop the entire program before the meeting.

Mr. Pierce said he will present bullet points to give council some idea of the main issues. There is a great deal of legal terminology that needs to be sorted out and later added to the actual plan. However, giving an overview of the incentives, number of jobs required, etc. is possible at this point.

Mr. Grier reiterated that the purpose of meeting today was to have something to present to city council by the January 11th meeting. Mr. Pierce feels we can provide a general outline of the program though an ordinance is really needed which is much more detailed and will take additional time.

Mayor Shupe suggests expanding this into city-owned properties outside of the business parks. That can be discussed though this one contract needs to be addressed in executive session. The actual program that will encompass everything should be discussed during the open session.

Mr. Portmann emphasized that if we focus on one program, we need to ensure that a new company walking into the city tomorrow will have the same offer. There are also many different aspects that can be tied in and that will take sometime. Right now, he recommends staying focused on this business as long as we are able to accommodate the next business in the same manner.

Mayor Shupe said at the same time, we will work toward a more concrete plan.

Mr. Pierce said if we switch gears and focus on some areas in the downtown, we may want to enter into the same type of installment contract but with a business with less than thirty jobs. For example, a restaurant or retail is referenced in our master plan. Logistically, it would not be possible for them to offer thirty jobs. But we could offer the same incentives for lesser jobs in the downtown area because of the many indirect benefits.

Mr. Portmann feels we need an active marketing program to get potential buyers interested in the business parks.

Mr. Grier is confident council will be more favorable to this idea.

Mr. Grier asked if this plan should include other city-owned lands, in addition to the business park. Mr. Pierce recommends this only apply to the business park at this point. He feels we should put another plan in place for the other city-owned lands and that can be done later this year.

Mr. Grier will recommend to council that a land installment contract plan be developed. Mr. Pierce said he will only present a main bullet point outline to get councils' consensus before the actual program is developed. Otherwise, a lot of time may be wasted if council is not in agreement.

Mr. Starling agrees the main points needs to be presented prior to starting any real work.

Mr. Pierce said he can have that completed by Monday. After that, it will take a couple more works to complete the program.

Mr. Grier moved to proceed and present the land installment contract concept to city council at their Monday, January 11, 2016 meeting, seconded by Mr. Starling. Motion carried.

There being no further business, Mr. Grier moved to adjourn the Economic Development Committee meeting, seconded

by Mr. Starling. Motion carried.

The Committee Meeting adjourned at 5:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 11, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 11, 2016.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Retiring Police Chief Keith Hudson was also in attendance.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

SWEARING IN/POLICE CHIEF KENNETH BROWN

The ceremony commenced with Mayor Shupe acknowledging the overflow crowd in attendance for the change of command and swearing in ceremony. He said it is both impressive and heartwarming to have almost every officer from Milford Police Department, as well as officers and police chiefs from outside agencies, in attendance this evening.

Mayor Shupe then administered the Oath of Office to the newly appointed Chief of Police Kenneth Brown while his fiancé Sue held the bible and his children, Erin and Chris stood beside him. At its conclusion, Chief Brown signed the Oath of Office followed by his fiancé pinning his new chief's badge on.

Chief Brown thanked the nearly one hundred people that attended the ceremony and Mayor and Council for the honor and privilege of being able to serve in this position. He also expressed his appreciation to family and friends in attendance and to Retired Chief Hudson for his years of service. He also acknowledged the men and women of the department for their ongoing support and encouragement.

Chief Brown then presented Retiring Police Chief Keith Hudson with an American flag that was flown at the police department and removed this date, commemorating the change of command.

Retired Chief Hudson thanked and congratulated Chief Brown wishing him well; he then embraced each person at the dias expressing his appreciation for their commitment to the department over the years.

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Brooks, seconded by Mr. Mergner to approve the minutes of the November 2, November 18, November 23 and December 8, 2015 Committee Meetings and the November 9, December 14 and December 16, 2015 Council Meetings as presented. Motion carried.

RECOGNITION

*Downtown Master Plan/Rivertown Rebirth Report/Muldrow & Associates
Adoption/Resolution 2015-02*

Appointment/Rivertown Rebirth Committee

Mayor Shupe introduced Ben Muldrow recalling the number of meetings with business owners, property owners and residents that were held to create a Downtown Master Plan.

Mr. Muldrow then provided a quick overview of what has been accomplished as a result. He said that in September he oversaw a process that was primarily funded through a grant from the Delaware Economic Development Office. He explained that a three-firm team conducted an onsite charrette process. During that time, they met with over two hundred people and on the third night, provided a presentation at Abbotts Grill.

He said a lot of people asked why should we invest in downtown and explained there is an automatic value and reliability. When we sell our story as a community, we build brand equity and cultivate the necessary motivation for investors to take a chance in our community.

The intent is to have a vision plan that will create a holistic vision for downtown. As council leads this community forward, we are able to consider every presentation and recommendation, as well as any potential project, as a part of the holistic picture in lieu of looking at it piece by piece and trying to determine if it is valid in its own little vacuum.

Mr. Muldrow referenced the following comparison of two properties in Ashville, North Carolina:

	<u>Walmart Site</u>	<u>Downtown Business</u>
Land Consumed	34 Acres	.2 Acre
Total Property Taxes Per Acre	\$6,500	\$634,000
Retail Taxes Per Acre	\$47,500	\$83,600
Residents Per Acre	0	90
Jobs Per Acre	5.9	73.7

He explained that without the ability to measure a potential development and decide whether a potential project is a good project, there is no way to know how to incentivize that project.

Mr. Muldrow emphasized the need to understand standard commercial corridors that are filled with national brands. National brands who are focused on their own personality and that personality overshadows the individual unique personality of a place.

He emphasized that Downtown Milford provides the unique character for this community. Anyone choosing to locate their business in a commercial corridor is choosing to be part of that retail environment; people taking a risk in downtown are choosing to focus on a different level of customer service.

The consultant explained that all their recommendations are made off real market potential. They look at zip codes even though a municipality does not typically consider that. The population of the primary Milford zip code is approximately 12,000 and the median age is 39. Because that is two years older than the average national median, that usually means there is a higher number of retirees in this community.

There has been an increase of 4.5% in the number of households over the past five years with almost 5,000 households in the Milford zip code.

Mr. Muldrow likes to look at retail leakage which is the comparison of what stores sell compared to what consumers in the area spend. This asks the question how we can capture the money that already exists to fuel new business in the community.

For example, we are leaking approximately \$6.2 million in the hobby/toy/game and sporting goods shops which is more than enough to support a downtown oriented business.

In addition, Milford is losing approximately \$11.6 million in clothing stores; and losing \$12.8 million in full service restaurants. The furniture, antique and home furnishings category is losing \$1.2 million.

All of these categories will fuel the kind of shopping experience we want in Milford.

He said the economic development sweet spot is the convergence of where education, safety and healthcare come together to create a prime quality of life. Safety is a huge issue in every community and having a successful force helps perceive a true sense of safety.

He noted the recent referendum that was approved to help fuel additional operational funding for our school district. In addition, there are current plans for huge healthcare developments in this community.

Mr. Muldrow said that Milford is primed and ready for economic growth because the city has been focusing on all three of those key factors for sometime now.

He is recommending the city adopt an economic development incentive policy with goals and objectives and financial incentive tools. A point system can be created so that when development projects are brought to council, points are allocated for those items council feels is important to this community. That process will be much easier moving forward in terms of cultivating business development.

Mr. Muldrow then referred to the physical design of the plan. He revealed an overall plan document that includes North and South Front Streets and the bulk of the downtown core on Walnut Street.

In downtown east, he said there have been several discussions about developing an amphitheater and outdoor park in the hook of the river. He believes that use would be very appropriate and would help this community better catalyze the idea of this being a 'rivertown'. They feel there is a major opportunity for private sector investment as a catalyst of the public sector investment.

Mr. Muldrow also stressed that any private money being invested is spurring public sector investment to go along with building a tax base. Without an increasing tax base, they will not be able to maintain it.

Also a future pedestrian bridge will help connect the two sides of the river and increase viability with residential development that has already been approved.

The appropriate architecture can engage with the river while providing some sort of restaurant usage and possibly river front dining which is something the community wants. The site on the south side of the river is a site with an approved site plan that will bring additional residential uses along the river front.

He pointed out the one problem with the site is it is treated as a single site that disrupts the street grid that exists there. Being able to use tree barriers, etc. to create a continuity and buffer between two different housing types is important to fit in that neighborhood.

Referring to the Riverwalk Plaza north of Front Street, Mr. Muldrow said the center has recently gone through a renovation and the fascia was upgraded with stone veneer that added to the columns. They are recommending some additional outdoor space for dining. That will allow the businesses in the center to grow their square footage without growing the building itself.

The downtown core comprises several different opportunity sites. One of the best is the south side of the river just east of Washington Street where the former city water plant was located. It serves the potential of a huge development opportunity.

Mr. Muldrow said that to engage in the river, he recommends giving the private sector the opportunity to develop market-driven property that helps consumers engage with the river. They recommend a multi-floor mixed use development with a first floor retail restaurant and second and third floor that can be used as an office, residential or a mixture of both.

By planting tree buffers and they start to grow overtime, it starts to minimize the impact of the structure. It also continues the feel of the adjacent parks.

The idea of creating this river place development can potentially drive a lot of high-end interest into Milford. Having the

plan on the table shows the city has an aspiration and vision that is extremely high.

The east side of the municipal lot has infill development potential that directly engages the Bicentennial Park. This is another opportunity to take city-owned property and place it back on the tax rolls while giving additional opportunities to grow retail density in the downtown core.

They also heard that some of the activities in the Bicentennial Park may potentially deter people from using this space. By constructing a building that fronts the park directly adds more eyes on that space, thus creating a safer area.

Considering Park Avenue as a possible district, there is currently a menagerie of electric wires. To bury those wires would cost a tremendous amount. What they suggest is making this street more of a character-driver region and run decorative lights through the wires. Mr. Muldrow recommends taking advantage of the roof/canopy created with those lights which results in a warm, charming area.

Another important element is to show private sectors how they can invest and enhance buildings that currently exist. Milford Skating Center is a great building in terms of providing activity. Architecturally it is a big blue box. He presented a simple modification to the skating center with a change of the building color and the addition of two roll up doors that would allow them better use of their lobby space.

In the future, should this skating rink no longer be viable, it would be ready to convert into three bays for three different businesses that immediately becomes a contributor to the downtown.

His team was also very interested in the area connected to the Washington Street parking lot. They feel this is an idea site for a micro-retail development. Very small retail buildings can be added which will allow people to start a business and actually succeed because the rent is low; the square footage is manageable and this does not require a lot of merchandise.

This area will be referred to as Vinyard Village and was inspired by some things they have seen throughout the country. Currently, this area is very dark at night and with increased activity through retail and mixed uses, it will become a much more engaging place on the river.

Mr. Muldrow said the team actually designed 16x20 feet 'modular retail bays' which can be placed in two parking spaces. They can be built off site and brought in on a trailer and placed on the site. Three sizes were designed.

He emphasized the importance for the community to develop a physical space that acts as the heart of the community. He noted the number of playgrounds in Milford. But a square in the heart of downtown is a place where physical space, buildings, retail and mixed use all come together. This would be a great place to host small events and have people interact with not just green space, but architecture as well.

They feel the green area in front of 2nd Street Players Theater is the appropriate place. The designer of this site was focused on the same purpose and wanted a green space that could be used by the community. Unfortunately that did not work. It has a nice green space though it has not served as the gathering space it needs to be.

His team came up with a splash pad idea. Mr. Muldrow said some people like them and some people hate them. He emphasized this is a water feature that does not need a lifeguard.

This green space then becomes more of a plaza. In that plaza, a number of programming potentials are possible. But physically it serves as the appropriate place for this to exist because we want to preserve the tree canopy directly across the street where the farmer market is held.

Mr. Muldrow reported that they met with private business and property owners to infuse some inspiration in what their properties could look like. He referenced the art league building that was revitalized and repainted approximately six years ago. Unfortunately the pre-treatment was unsuccessful so the paint is coming off. They showed how that building could be painted to better highlight the architectural character it has.

Mr. Muldrow then referenced the 1804 Lou's Bootery building on Walnut and Front Streets showing where he took the store front back to how it was designed in 1954. The building currently has cracking stucco, roof and other infrastructure

that needs to be repaired.

He then focused on downtown west which has a main focus on Southwest Front Street. There are buildings in this area that juts out into the river that can no longer be built in that manner. He referenced the two large parking lots on Southwest Front Street. He suggests thinking of this entire square as a single redevelopment potential. For example, realigning the buildings so they re-engage the riverwalk. It could be a mixed use with a primary focus on residential. Keeping the footing that juts out into the river creates some sort of amenity that services the residential, but then consolidating a central parking lot would provide a shared resource with increased parking capacity. In addition, it sets up the potential in the future for a deck parking lot when needed.

The consultant noted the redevelopment potential right along the Warren Furniture property site. He presented a photo rendering that illustrates the relationship between public sector investment, by creating a space and private sector investment in redevelopment. They would like to see some sort of architectural element denoting this as a special district.

Having some sort of architectural standard is needed in the historic core but appropriate to scale in the downtown.

Mr. Muldrow referenced a map displaying areas where the streetscape project exists along Walnut and Front Streets and where it should be extended. In addition, the basketball courts that currently exist along the riverbank should be relocated and multiplied in the front space of the Parks and Recreation building.

He emphasized the need to maintain pedestrian friendliness and connectivity to resources for recreation in the community.

In the report, Mr. Muldrow referenced full details on how to implement a facade master plan. That allows a single source renovation or revitalization of facades throughout the downtown area. The city can also do some dynamic things by coupling things such as tax increment financing districts along with these facade improvements. This provides long term infrastructure funding mechanisms that are put in place as the work is done.

Mr. Muldrow then spoke about the importance of retail density in downtown areas. Having a service and professional presence in downtown is great, but it also creates a huge gap in retail. By dividing it, facades and new businesses/retails could be created. In addition to new micro retail opportunities, it provides more continuity along the streetscapes.

He recalled six years ago when DMI and the city adopted the new branding system. DMI was instrumental in getting the brand out to various organizations. Recently Milford School District adopted a new logo that incorporates the same word type.

Mr. Muldrow would like to take it one step further and brand this process "Rivertown Rebirth". He said everything being done to reinvigorate the downtown is captured by this idea.

He advised the final report, consisting of 108 pages, is complete. During the first week of February, an implementation summit will be held. That summit will involve a Strategy Board who will gather information from various community organizations. He will then come back on February 8th with the Strategy Board presentation.

Mr. Burk asked if Mr. Muldrow has contacted the owners of Milford Skating Center to determine if they are willing to consider his ideas for that building.

Mr. Muldrow confirmed they met with all the property owners prior to the renderings. In this case, both properties have the same owner who is very excited about the potential. The owner was amazed at the difference a very small investment in the skating center could actually make.

Mayor Shupe asked Mr. Muldrow to discuss public investment spurring private investment and what type of strategies are recommended. He has had people ask how we will afford all of this. He has informed them that the city will make a public investment to encourage private investment.

Mr. Muldrow explained that over the past fifty years, communities have become more pro-active into the economic development arena. Certain things are needed by cities including tax base and tax revenue to drive that investment. A lot of towns do things because neighboring communities do it.

He said the question when spending money on these type situations, is how will one dollar becomes two, four or eight from an investor or business owner.

The consultant emphasized to council to think about additional investments downtown. Six years ago when he first came to Milford, there was little or no potential for the public or private sector growth along the river. Today, there is an unbelievable catalyst site along the river. Fortunately, the city controls most of that river front space.

With that in mind, a public dollar should set up the opportunity for private sector investment.

He said they are recommending city council approve the creation of a new Community Development Corporation (CDC). That corporation would operate as a 501(c)(3) with a focus on economic development. It would then be eligible for grant sources that municipalities often do not qualify for. That CDC could own, sell or give property away. These type corporations are widely used throughout the country and work together and share dynamic tactics.

When council creates an incentive package, that often puts them in a difficult place. The question is often asked why one person gets something and another person is turned down. Having something in place to control the city's destiny is important though there are many funding mechanisms such as tax increment financing districts which do not involve a tax increase, but captures tax growth that occurs in a district and goes back into infrastructure improvement.

Mr. Muldrow said there are also business improvement districts considered special taxing districts. He feels that Milford is not quite there where residents will vote a tax on themselves, but there are a number of funding mechanisms to help realize this.

He reported that the reason Milford received the grant for this process was because it had proven they could use grant money effectively. That is the reason Milford received the funding over other communities.

Mayor Shupe added that this sets Milford up for the next application of the Delaware Downtown Districts. He referred to Wilmington, Dover and Seaford and the sizable amounts of money that are being invested into each of their communities through grants and services from the State of Delaware.

Motion made by Mr. Grier, seconded by Mr. Brooks to adopt the following resolution:

WHEREAS, the City Council of the City of Milford has found that it is in the best interest of the City of Milford, its residents, visitors and business and commercial interests to promote the development of the downtown area; and

WHEREAS, the Economic Development Committee recognized the importance of a Downtown Master Plan and presented the idea to City Council who approved the concept in April 2015; and

WHEREAS, the City of Milford and the Delaware Economic Development Office entered into an agreement with Arnett Muldrow & Associates to oversee the preparation of a plan that would promote and encourage commercial development of the downtown area; and

WHEREAS, throughout the month of September 2015, city leaders, business owners, community organizations and residents met during several planning sessions to discuss the future of downtown Milford and ways to develop a holistic plan that would celebrate the beauty of the city's natural resources, encourage the ingenuity of our residents and business owners while preserving the quality of life; and

WHEREAS, the Rivertown Rebirth Report, presented to City Council on January 11, 2016, provides priorities for Milford's downtown district and focuses on ways the Mispillion River can be used for recreation, education and arts, as well as creating and keeping a warm and inviting community; and

WHEREAS, the Economic Development Committee is hereby tasked with developing clear, definitive incentives to assist with existing and expanding businesses and attracting new businesses to Milford that will result in job creation opportunities for local residents.

NOW, THEREFORE, Be It Resolved, by The City of Milford as follows:

'Rivertown Rebirth', as presented in a public meeting on this date, is hereby adopted by the City Council of the City of Milford, Delaware

Motion carried.

Mr. Muldrow concluded by stating that he will return on February 8th.

MONTHLY POLICE REPORT

Mr. Morrow presented the monthly report on behalf of Chief Brown. He then moved to approve the report, seconded by Mr. Burk. Motion carried.

CITY MANAGER REPORT

City Manager Norenberg stated that it is an honor to be here this evening for his first meeting. He reported his first week went well.

Mr. Norenberg then referenced the public works reports from each department noting the street department did not submit one due to the absence of some personnel.

He then reported the cemetery wall project is going well and the restoration is underway. Equipment is ready for snow removal when needed and leaf collection is nearly done for the year.

Mr. Brooks asked when the leaf stops; Mr. Norenberg advised that Street/Solid Waste Supervisor Tim Webb informed him it would possibly wrap up by the end of this week.

Ms. Wilson moved to accept the city manager report, seconded by Mr. Starling. Motion carried.

COMMITTEE & WARD REPORTS

Economic Development Committee

Economic Development Committee Chairman Grier reported that his committee met last Tuesday. The main focus was incentives for the business park and how to spur development on the remaining lots. The city planner will later present some ideas for an incentive plan.

Appraisal Proposal/Masten Realty/Funding Source

City Planner Rob Pierce referenced the proposal submitted by Jamie Masten to perform an appraisal on the remaining two parcels in the Greater Milford Business Park and vacant lots in Independence Commons. Once this is completed, we can more accurately represent the value of those lots.

Mr. Grier moved to authorize payment of the Masten Realty proposal in the amount of \$1,950 from economic development funds, seconded by Mr. Starling. Motion carried.

Land Installment Concept

City Planner Pierce explained that at the Economic Development Committee meeting, the primary focus was on incentivizing only the Greater Milford Business Park at this point. The concept may later be expanded to Independence Commons and eventually to the downtown area as the master plan is implemented.

He said the economic development incentive program is designed to foster job creation and stimulate business growth within the business park. It is based on a tiered approach with an emphasis on job creation and private investments.

Mr. Pierce said the program provides relief of impact fees and other fee waivers as well as a land installment contract.

Job creation means to calculate full-time equivalent direct jobs and count two part-time jobs as one full-time job. If the total number of part-time jobs adds up to a fraction, it is rounded up to the next whole number. Indirect jobs cannot be used for this calculation.

Mr. Pierce explained that we are already waiving impact fees based on job numbers; however, he has added another tier for thirty plus jobs.

Qualifying businesses would be audited annually for the first five years, beginning twelve months after the certificate of occupancy (C of O) is issued.

If employment falls below the stated level, the buyer becomes responsible for payment of the waived impact fees.

He noted that the city does not have the right to waive the Kent County Sewer Impact Fee. However, the city will waive the fees typically collected by our building department.

The City will audit the business annually for five (5) years, beginning twelve (12) months after the issuance of C of O. If employment falls below the stated level, the buyer becomes responsible for payment of the waived fees.

The buyer is also responsible for the payment of the Carlisle Enhancement Fee.

The City will provide a one-time waiver of Permits and Other Fees based on job creation levels as outlined in Table 1. These fees include the following:

- Building Permit Fee
- Water Meter and Service Connection Fees
- Sewer Inspection Fees
- Electric Service Connection Fee
- Preliminary Site Plan Fee
- Final Site Plan Fee
- Professional service costs associated with planning, engineering and legal review

The same five-year time frame applies to auditing (twelve months after C of O). They are also responsible for all other required local, state and federal permits and approvals.

The buyer shall be responsible for obtaining all required local, state and federal approvals and permits for the proposed improvements.

The tiered incentives are as follows:

Tier	# Jobs Created	Water & Sewer Impact Fee Waivers	Waiver of Permits & Other Fees	Audit Period for Fee Waivers
1	5-9	1	20%	5 Years
2	10-14	2	40%	5 Years
3	15-19	3	60%	5 Years
4	20-24	4	80%	5 Years
5	25-29	5	ALL	5 Years
6	30+	ALL	ALL	5 Years

He explained the focus is on job creation and an additional tier has been added. In the past, five was the maximum number of impact fees that could be waived. A business bringing thirty plus positions to the city will now have all impact fees waived regardless of the number.

Mr. Pierce also added a column for waivers of permits and other fees. That relief would be based on a percentage basis.

In addition, a business bringing thirty plus jobs would have all fees, including permit fees, waived in their entirety.

One of the new concepts discussed at the Economic Development Committee meeting was to provide a land installment contract option. The buyer will have the ability to receive zero percent financing to purchase city-owned property for an agreed-upon purchase price based on its appraisal. The buyer would then repay the city via monthly installments.

Mr. Pierce explained that in this manner, the city would retain the legal title to the property, while permitting the buyer to take possession of the land for their use.

Eligibility and length of the installment contract would be based on the job creation levels and private investment amounts. The planner recommends city council make that determination on a case by case basis.

The city would audit the business annually to ensure the full-time jobs are achieved.

Mr. Pierce proposes the required number of jobs will begin 36 months from the contract signing. If the initial job level is not achieved after thirty-six months or the employment level falls below the required level stated in the contract, as calculated over a three-year average, the city has the right to terminate the contract.

The buyer would then have two options. Surrender the land and all improvements on the property to the city or pay the remaining balance in exchange for legal title to the property.

Mr. Grier said one thing that was not discussed at the committee meeting is whether the buyer should pay the monthly payments over a twenty-year time frame at a price of \$125,000 an acre. Should that value increase to \$200,000 an acre after the first fifteen years, he asked if there is a period within that twenty years when the land can be re-evaluated or will it be kept at that fixed number.

Mr. Pierce explained the sales price of the property at the time they enter into a contract is what the installment payment will be based on throughout the entire term of the contract.

Mayor Shupe emphasized this entire concept is based on job growth. He said we do not want to provide this opportunity to someone who will take advantage of building a garage there to store their classic cars. The purpose is to gain jobs for Milford families. Ms. Wilson agreed adding that is her concern.

Mr. Grier referenced the minutes from the committee meeting which resulted from the conversation last month. He feels this is much more reasonable and fair to the city. He pointed out that this will certainly not devalue the properties in the business parks that are already developed. In this situation, the city will still get their money back and it is a way to attract businesses who will create new jobs.

He noted that when he built his carwash, he was required to have 20% of the project costs up front. Not being required to have that amount of money on a \$125,000 piece of land is a great benefit to someone planning to develop. In addition, the cost of the lease is a deductible expense on your tax return. Not having to pay city property taxes is yet another savings according to Mr. Grier.

Mr. Grier feels this is a huge incentive to the business. He confirmed this is only being offered to potential buyers of the business park lots. It could later be considered for Independence Commons based on how it works out initially.

Mayor Shupe stressed that this will make Milford stand out when businesses are considering more than one community. He said we want those businesses bringing thirty plus jobs to a community to select Milford.

Ms. Wilson wants to make sure the incentives are fair to everyone. She does not want the incentives to be so great that it becomes a risk for the city and she does not want 'to give away our grandfather's land'.

Mayor Shupe pointed out we are not giving away anything because these businesses will be paying the city back.

Mr. Mergner said we are providing flexible alternatives to get the businesses here and started which is the hardest part for a new business.

Mr. Grier noted this is not set in stone and any of the proposal can be changed. He welcomes any other ideas council may have. He feels the new appraisal will provide some valuable information that can also be used.

Mayor Shupe added that these incentives are simply tools that will be available at such time they are needed. The big plus is to attract a business who may be considering another town to choose Milford.

The city planner noted that the loan term can always be modified in terms of five, ten or twenty years. A business may only need the assistance upfront and could be willing to pay it off early to eliminate the job creation concept.

Councilwoman Peel is curious why this incentive package is only being offered in the business park and why it is limited to one area.

City Planner Pierce explained this is the city's pilot program and only focuses on the business park to ensure the two remaining lots are developed. This same concept will be expanded to Independence Commons and the downtown area. However, the criteria will need to be amended in the downtown area and job creation would not be the main focus. It would be based on the Downtown Master Plan recommendations.

Ms. Peel wants to make sure something simultaneously is happening in the downtown area though she agrees job creation would not make sense.

Mr. Pierce said we are hoping to move forward with redevelopment incentives and new construction that is consistent with the master plan.

Mayor Shupe said that expansion of current businesses will also be included. What is being discussed is the first step with real economic development incentives and we need them in writing so they can be shared with potential investments. We are starting with city properties that we control prior to building any partnerships with private investments.

Mr. Brooks asked if this applies to Independence Commons; Mr. Pierce reiterated this only applies to the two undeveloped parcels in the Greater Milford Business Park.

Mr. Burk said his concern is the plan is standardized and that everyone will be treated the same. He does not want one applicant to be treated better than another one. He added that if that happens, it will eventually get the city in trouble.

He then asked who is making the decisions on the negotiations and added that it should be documented. In that manner, council will know who the players are.

Mr. Pierce explained that the tiered approach for the impact fee and permit waivers are spelled out based on the number of jobs. However, council has some latitude when it comes to entering into a land contracts which he feels should be based on the amount of jobs and money the developer is willing to invest.

The planner reminded council there is a need for a scoring criteria for each item and one of the reasons they are limiting this to the two parcels in the business park.

Mr. Burk asked who will be handling the incentive negotiations and asked if it will be city council or done in house and then presented to city council; Mr. Grier feels that it should be based on the appraised value. The only item that will be negotiated will be the term length. In his opinion, everything else is set in stone. The appraised value, number of jobs and waivers are already in writing. An annual audit will be done and only the term length needs to be decided at this point.

Mr. Burk explained his question is as we move forward with this program, if we have two applicants that want the same property, who decides which applicant will be accepted. In addition, will the same incentives be offered to both applicants. He understands it is based on job creation but wants to know who is making these decisions.

The planner feels we could have a panel that oversees these applications to ensure they are scored properly before they are

presented to city council for approval.

Mr. Grier said he is open to suggestions on that matter and whether it should go before the Economic Development Committee or the city manager to handle. Mr. Mergner prefers the committee idea.

Mr. Brooks asked if we are talking about thirty new jobs; Mr. Pierce stated this will be thirty new jobs in the City of Milford. Mr. Brooks questioned if an existing company wants to move to Milford and brings their current employees, would that be considered. Ms. Peel said they could be commuters or residents. Mr. Grier feels that a job is a job; thirty positions will result in new positions over the years as turnover occurs in the company.

Mr. Brooks wants to make sure everyone understands.

Ms. Wilson pointed out that the previous concept was to promote jobs for Milford residents. Mayor Shupe stated that job growth in Milford is positive. A business bringing thirty existing positions to Milford will eventually provide new opportunities in the future. Even though it come with thirty vacant positions, people will be moving in and out of the job while spending money in Milford.

When asked what action was needed, Solicitor Rutt advised that a vote is not needed this evening. He suggests something more formal be presented to council; in the meantime, he will create a land contract with options.

COMMUNICATIONS & CORRESPONDENCE

Mayor Shupe then thanked Carlisle Fire Department and Milford Police Department for their assistance at the Towers Bed and Breakfast after a vehicle hit the building and a gas line which started the fire. Both were on the scene immediately and considering the severity of the fire, it is fortunate the structure is still standing. He learned that despite the weight of the water, the floor avoided serious damage because they were made from the same materials that local ships were made from years ago.

The mayor also informed council that the public was warned today about scammers who are calling area residents and businesses claiming to be from Milford's utility department. They are informing the customer that their account is past due and unless payment is made right away, the service will be disconnected.

We informed residents that the City will never call and threaten immediate service disconnection nor do we call and demand payment via a prepaid debit card. The mayor emphasized that should this occur, the customer should call Milford City Hall and/or Milford Police Department.

Mr. Brooks said there was confusion again last week about recycling; he thanked Norman Brady for sending the recycling crew to take care of the mixup.

Councilwoman Wilson thanked everyone that has donated toward the Code Purple program which has been used on a regular basis by at least two families. She added that the volunteers are on standby should the shelter need to be reopened.

She also invited Mayor Shupe and city council members to attend the Martin Luther King celebration at Benjamin Banneker Elementary School beginning at 11:00 a.m. on Monday, January 18th.

UNFINISHED BUSINESS

Appointment/Holiday Decorating Committee

Mayor Shupe recalled city council approving \$15,000 for updated holiday decorations. He discussed this matter with City Manager Norenberg and decided that the city electric and parks and recreation department will research what type of decorations are appropriate.

They will bring back that information in the near future.

Schedule Meeting/Charter Review Committee

Mayor Shupe announced City Manager Norenberg has agreed to oversee this project and will follow up by scheduling a meeting with the committee members previously appointed.

Approval/Date/Hungry to Help Event

Mayor Shupe recalled the discussion about this event to promote volunteerism at the last council meeting. In addition to the civic organizations that will attend, food truck vendors have also been invited.

Mayor Shupe, being a member of the Governor's Commission of Volunteerism and Community Services, hopes this event will become a pilot program for other cities in Delaware.

Also on that date, the Milford Central Academy will host students from across the region who will compete in an Odyssey of the Minds tournament. He hopes those families will take a few moments to attend this event.

He said that he, along with Mr. Burk and Ms. Peel, are assisting with the event.

Mr. Mergner announced that Milford's Honor Roll students are looking for ways to volunteer in the community. He said it is difficult for the students to find places where they can acquire the hours they need.

Mr. Mergner suggested putting something on our website so that our residents and businesses can be made aware of this need with the intent that someone will reach out and assist these students in this effort.

Mayor Shupe advised that he is working with Volunteer Delaware 50+ whose website posts nonprofit information and where volunteers are needed. On that website (volunteerdela.org), individuals can sign up to view this information and volunteer at this event.

Mr. Grier moved to approve the Hungry to Help event on Saturday, March 12, 2016 from 10:00 a.m. to 1:00 p.m. at Milford Armory, seconded by Mr. Burk. Motion carried.

Approval/Mailings/Hungry to Help

Mayor Shupe said a press release will be prepared and added to the utility bills to be sent to all City of Milford customers.

Mr. Grier moved for approval to include the Hungry to Help press release in all city utility bills, seconded by Mr. Starling. Motion carried.

NEW BUSINESS

Adoption/Resolution 2016-01/Appointment DEMEC Director & Assistant Director

Ms. Wilson moved to adopt Resolution 2016-01, which removes Electric Superintendent Rick Carmean as the city's director on the DEMEC board and replaces him with City Manager Erin Norenberg. Mr. Grier moved to adopt Resolution 2016-01, seconded by Mr. Mergner.

WHEREAS, the City of Milford is a member of the Delaware Municipal Electric Company ("DEMEC"), a municipal electric company established pursuant to 22 Del. C. Chapter 13;

WHEREAS, the City of Milford is authorized to appoint an individual to serve on the DEMEC Board of Directors pursuant to 22 Del. C. § 1304(3);

WHEREAS, Article V, Section I of the DEMEC Agreement and Articles of Incorporation, grants the city authority to appoint an alternate director to serve in the absence of the director.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford:

(1) The City Manager shall serve as the director representing the City of Milford on the DEMEC Board of Directors.

- (2) *The Electric Department Superintendent shall serve as an alternate director in the absence of the director.*
- (3) *In the absence of the director, the alternate director shall have full power and authority to act on the City of Milford's behalf.*

Motion carried.

DMI/City of Milford Code Waiver & Approvals/Chapter 77 & Chapter 165/2016 Brewgrass Festival

Sara Pletcher, DMI Brewgrass Festival Chair submitted the following letter for consideration:

Dear Council Members:

Downtown Milford, Inc. is sponsoring the 2nd Annual Brewgrass Festival in Bicentennial and Memorial Parks scheduled for Sunday, June 12, 2016 from 12-6pm. This festival will offer live bluegrass music, food to purchase and beer tastings from local Delaware and Maryland breweries with a maximum of 500 participants.

Each participant will pay an entrance fee (\$30—pre-registered, \$40 at the door, \$5 for designated driver) and receive a souvenir plastic cup for their tastings. Food, provided by local restaurants and food trucks, will be available for purchase throughout the parks. The parks will be closed off with only one entrance and exit. We have budgeted for security. We would like to park vendor vehicles in the fenced in area where the DMI/Chamber offices were torn down on Washington Street. We will not need to close any major roadways other than the road leading into Bicentennial Park.

Enclosed are two applications for a group gathering license in each park. I've requested the license from 12-7pm to allow for clean up in both parks. Please sign and return to my attention at the DMI office when Council has approved our request. If you have any questions regarding this event, please contact me at 302.519.6767 or sara@downtownmilford.org.

Mr. Grier moved to approve the requests, seconded by Ms. Peel. Motion carried.

Introduction/Ordinance 2016-01/Change of Zone of Annexed Lands belonging to Mispillion Realty LLC

Planner Pierce recalled this proposal being reviewed by the Annexation Committee on November 23, 2015. This ordinance establishes the zoning of the annexed property which is a two-acre parcel adjacent to Brookstone Trace subdivision.

Mayor Shupe introduced Ordinance 2016-01, adding that a public hearing on the matter will be held on January 25th:

*ORDINANCE 2016-01
Change of Zone of Annexed Lands belonging to Mispillion Realty LLC
Tax Parcel 1-30-3.00-080.02
2.00 +/- Acres
Current Zone MR/Proposed Zone R3*

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.00 +/- acres of real property from MR to R3 adjacent to Fieldstone Avenue in Brookstone Trace, Milford, Delaware. Present Use: Vacant. Proposed Use: Garden Apartment/Townhouse. Tax Map and Parcel: 1-30-3.00-080.02

Whereas, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on January 19, 2016; and

Whereas, Milford City Council will hold a Public Hearing on January 25, 2016 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 3-30-3.00-080.02, owned by Mispillion Realty LLC located on Fieldstone Avenue in Brookstone Trace, is hereby zoned R3.

Dates:

Planning Commission Review & Public Hearing: January 19, 2016

City Council Introduction: January 11, 2016

City Council Public Hearing: January 25, 2016

Adoption: January 25, 2016

Effective: February 4, 2016

Council will take final action following the public hearing at the next council meeting.

Planning Commission Vacancy

Mayor Shupe reminded council that the planning commission has a vacancy due to Deborah O'Neill moving outside Milford's jurisdiction. He asked that council consider possible candidates from their wards.

Approval/City of Milford FY15-16 Budget Adjustment/Tyler Technologies/Additional Services Addendum

Mayor Shupe reported that a budget adjustment in the amount of \$5,500 is needed for Tyler Technology Additional Services Addendum.

Mr. Grier questioned the amount paid for the year; Mr. Norenberg advised that typically the annual costs are \$29,000 to \$30,000. For some reason, it was budgeted at a lower amount this year. Therefore, the adjustment is needed to keep pace with the appraisal services.

Mr. Norenberg explained this is really a correction of the budget and not an increase.

Mr. Grier moved to authorize a FY15-16 budget transfer in the amount of \$5,500 from the City Administration Salary and Wages (101-1010-413-10-10) to Tax Assessor Services (101-1010-413.30-11) in the amount of \$5500.00 to pay for the Tyler Technologies Additional Services Addendum, seconded by Mr. Morrow. Motion carried.

MONTHLY FINANCE REPORT

Through the fifth month of Fiscal Year 2015-2016 with 42% of the fiscal year having passed, 44% of revenues have been received and 36% of the operating budget expended.

Mr. Brooks moved to accept the November 2015 Finance Report, seconded by Mr. Grier. Motion carried.

EXECUTIVE SESSION

Mr. Grier moved to go into Executive Session reference below reasons, seconded by Mr. Morrow:

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 (City Property Lease Agreement)

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

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:53 p.m. for the purposes as are permitted by the Delaware Freedom of

Information Act.

Return to Open Session

City Council returned to Open Session at 9:24 p.m.

City Property Lease Agreement

No action needed.

Chief Kenneth Brown Employment Contract

Mr. Morrow moved to present the employment contract to Chief Brown for his review, seconded by Mr. Grier. Motion carried.

ADJOURN

Mr. Mergner moved to adjourn the meeting, seconded by Mr. Starling. Motion carried.

The Council Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
Business Park Incentive Presentation

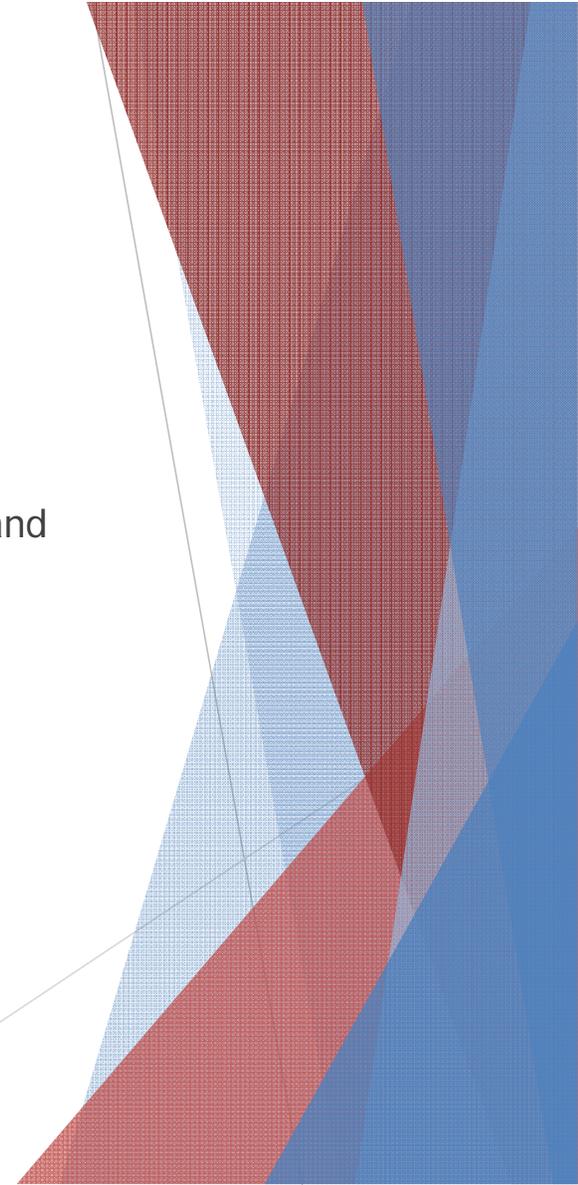


Greater Milford Business Park

Economic Development Incentive Program

Economic Development Incentive Program (EDIP)

- ▶ EDIP is an incentive program designed to foster job creation and stimulate business growth within the Greater Milford Business Park.
- ▶ The program is based on a tiered approach with emphasis on job creation and overall private investment.
- ▶ The program provides for impact fee and other fee waivers, along with the option of a land installment contract.



Job Creation

- ▶ To calculate full-time equivalent direct jobs, count two part-time jobs as one full-time job. If the total number of part-time jobs add up to a fraction, round up to the next whole number after combining the same. Indirect jobs cannot be used for this calculation.

Impact Fees

- ▶ The City will provide a one-time waiver of the City Water, Sewer and Electric Impact Fees based on job creation levels as outlined in Table 1.
- ▶ The City will audit the business annually for five (5) years, beginning twelve (12) months after the issuance of C of O. If employment falls below the stated level, the buyer is responsible for payment of the waived impact fees.
- ▶ The buyer shall be responsible for the payment of the Kent County Sewer Impact Fee.

Permits and Other Fees

- ▶ The City will provide a one-time waiver of Permits and Other Fees based on job creation levels as outlined in Table 1. These fees include the following;
 - ▶ Building Permit Fee
 - ▶ Water Meter and Service Connection Fees
 - ▶ Sewer Inspection Fees
 - ▶ Electric Service Connection Fee
 - ▶ Preliminary Site Plan Fee
 - ▶ Final Site Plan Fee
 - ▶ Professional service costs associated with planning, engineering and legal review

Permit and Other Fees (cont.)

- ▶ The City will audit the business annually for five (5) years, beginning twelve (12) months after the issuance of C of O. If employment falls below the stated level, the buyer is responsible for payment of the waived fees.
- ▶ The buyer shall be responsible for obtaining all required local, State and Federal approvals and permits for the proposed improvements.
- ▶ The buyer shall be responsible for the payment of the Carlisle Enhancement Fee.

Table 1: Tiered Incentives

Tier	Jobs Created	Water & Sewer Impact Fee Waivers	Waiver of Permits & Other Fees	Audit Period for Fee Waivers
1	5-9	1	20%	5 years
2	10-14	2	40%	5 years
3	15-19	3	60%	5 years
4	20-24	4	80%	5 years
5	25-29	5	All	5 years
6	30+	All	All	5 years

Land Installment Contract

- ▶ This is a contract between the City and the buyer of real property in which the City provides 0% financing to the buyer to purchase city-owned property for an agreed-upon purchase price and the buyer repays the loan in monthly installments.
- ▶ The City retains the legal title to the property, while permitting the buyer to take possession of the land for most purposes other than illegal ownership/enterprises.
- ▶ Eligibility and length of installment contract shall be based on a combination of job creation and overall private investment amount and shall be approved by City Council on a case-by-case basis.

Land Installment Contract (cont.)

- ▶ The City will audit the business annually to ensure the number of full-time jobs are achieved. Audits will begin thirty-six (36) months from the contract signing and continue until full payment is made to the City.
- ▶ If the employment level falls below the level stated in the contract, as calculated over a three (3) year average, the City has the right to terminate the contract and the buyer has the following two options;
 - ▶ The contract shall become null and void and the buyer shall surrender all improvements on the property to the City; or,
 - ▶ The buyer shall pay the remaining balance of the installment contract to the City in exchange for legal title to the property.

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 25, 2016

Milford City Council held Public Hearings on Monday, January 25, 2016 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

COUNCIL MEMBERS IN ATTENDANCE: Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk and Owen Brooks Jr.

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

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

City Planner Rob Pierce was also in attendance.

*First State Manufacturing on behalf of GrowUSA LLC
Final Minor Subdivision
301 SE Fourth Street
Tax Map 3-30-11.05-119.00*

City Planner Pierce advised this property is located near the little league ballfield on Southeast Fourth Street. The property is currently zoned I-1 and its primary use is manufacturing.

He reported the following:

On July 14, 2014, City Council authorized First State Manufacturing to proceed with the necessary appraisals, surveys and other documents needed to exchange land owned by GrowUSA, LLC for a portion of lands in Independence Commons.

The Board of Adjustment approved a variance for the maximum lot coverage allowed on an industrial zoned property on August 13, 2015. The lot line adjustment is consistent with Chapter 230-16 and meets all design standards and area regulations or has received variance approval for design standards and area regulations by the Board of Adjustment.

The lot line adjustment would create one continuous parcel owned by the City of Milford for use by the little league and eliminate future land leasing with GrowUSA.

The property line that goes through the ballfields, parking area and portion of the bleacher area will be moved and that area transferred to the City of Milford.

The Planning Commission recommended approval with a unanimous vote on December 15, 2015

Mayor Shupe asked for questions from city council. Mr. Brooks said when all of this is done, will little league have full use of what they are using now. Mr. Pierce explained we will need to settle though little league use will not be disrupted by the transfer of land.

Surveyor Robert Nash of Merestone Consultants, representing the applicant, stated that the land will be transferred to the city thus providing less liability for First State Manufacturing as a result of its use by the public over the years.

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

Mr. Brooks moved to approve the final minor subdivision/lot line adjustment of the property owned by GrowUSA LLC at

301 SE Fourth Street, seconded by Mr. Mergner. Motion carried.

*City of Milford on behalf of GrowUSA LLC
Final Minor Subdivision/Independence Commons
316 West Liberty Way
Tax Map MD-16-173.00-01-02.17*

Planner Pierce advised this is the second portion of the land exchange involving lot 13 in Independence Commons currently owned by the City of Milford. He reported the following:

On July 14, 2014, city council authorized First State Manufacturing to proceed with the necessary appraisals, surveys and other documents needed to exchange land owned by GrowUSA, LLC for a parcel in Independence Commons.

The minor subdivision is consistent with Chapter 230-19.1 and meets all design standards and area regulations.

Lot 13 currently houses solar panels and a fenced-in area owned by the City of Milford. The residual land will become Lot 13-B and conveyed to GrowUSA, LLC in exchange for lands adjacent to the little league complex.

Of the original 3.36 acre lot, GrowUSA, LLC will acquire 2.2 acres and the remaining 1.1 acres will be retained by the city.

The City Planning Commission recommended approval with a unanimous vote on December 15, 2015.

There were no comments from city council.

Mayor Shupe opened up the floor for comments from the audience, but no one responded. The floor was then closed.

Mr. Brooks moved to approve the subdivision of City of Milford Independence Commons Lot 13 into two parcels, seconded by Mr. Mergner. Motion carried.

*Merestone Consultants on behalf of Milford Public School District
Final Minor Subdivision
Milford Middle School
512 Lakeview Avenue
Tax Map 1-30-3.07-138.00*

Mr. Pierce reported this involves the old Milford Middle School property located between Lakeview Avenue, Seabury Avenue, School Place and Kent Place. The minor subdivision is consistent with Chapter 230-9 and meets all design standards and area regulations.

He referenced the site plan in the packet showing the existing school structure, parking lots and recreational areas.

He said the applicant is seeking to subdivide the property into two lots and both will remain R-1 zoning. The Planning Commission recommended approval with a unanimous vote on December 15, 2015

When asked for questions from the council, Mr. Burk said he has had several phone calls about the recreational area. He asked if there can be restrictions added to the approval that will require the school to maintain the recreational use.

Mr. Pierce stated there are no restrictions being placed on this site by the city. He emphasized it is zoned R-1 and by right any use under the R-1 designation is permitted.

Milford School District School Superintendent Dr. Phyllis Kohel said the sole reason to ask for the subdivision of the land is to protect the rear land and maintain it as a recreational area for the public. Without the subdivision, should the school transfer the property to the State of Delaware or another entity, they would take the entire block which includes the athletic fields. By subdividing the property and putting the rear area /athletic fields into Milford School District's name solely, they

can sell the front portion and preserve the athletic areas as they currently exist.

Mr. Burt asked if a deed restriction will be added because he has had a lot of people call him about this. Dr. Kohel said from what she has been told, there is no need to add a deed restriction because the school district has absolutely no intention of doing anything other than using it as a recreational area.

Dr. Kohel noted that MSD students still need the athletic fields even though they have to be transported to this site. She explained that even if a new school with new fields were built, the athletic fields would still need to be maintained. She recalled when this was discussed with city council and the city discussed removing that area so it could be retained as a recreational site for the public.

Mr. Burk said the people that called him had a concern that it could change at a later date.

Mr. Rutt then informed Mr. Burk that he cannot put conditions on the application. The property is zoned R-1 and as a by right can be subdivided. Council does not have the legal right to put conditions on a subdivision.

Mr. Burk said he understands though all the people calling him do not understand.

Ms. Peel likes it being clarified for the public record.

Dr. Kohel explained that they also clarified during the planning commission hearing that there is no intent to do anything other than to leave it as recreation.

Mr. Brooks asked if he can put in his motion that 23-plus acres must be kept recreational; Mr. Rutt reiterated that council does not have the legal right to add conditions. He explained it is already zoned R-1 and the school has the right to use it for anything allowed in the zoning district.

The solicitor said by council requiring them to solely use it for recreational purposes will essentially amend the R-1 district through the motion for approval. He emphasized that no conditions or restrictions can be placed on their right to use the property.

Mr. Brooks stated that Dr. Kohel said the 23 acres would continue to be recreation and they had no intention of changing it. Mr. Rutt said that is correct, but the property is owned by the school district and five years from now things could change. He told Mr. Brooks that by law, council is restricted from placing any condition on a subdivision.

Representing the application, Robert Nash of Merestone Consultants asked on behalf of Milford School District, if they could add a restriction to the deed if they sold the property. Mr. Rutt said that could be done in the deed, but as a public body, Milford City Council does not have the right to do that.

Mr. Brooks said we do not know who will be the school head when they sell that land.

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

Mr. Mergner moved to approval the final minor subdivision of the Milford Middle School property, seconded by Mr. Burk. Motion carried.

Crop Production Services LLC

Chance of Zone/Current Zone R-3; Proposed Zone I-2

Holly Hill Road

Tax Parcels MD-16-18207-01-01.00 - 99.00; MD-16-18207-02-01.00 - 99.00; MD-16-18207-03-01.00 - 23.00

Adoption/Ordinance 2015-25

Mr. Pierce advised this application involves the former Amberwood Subdivision currently owned by Crop Production Services.

He reported the following:

The site is approximately 34 acres on the south side of Holly Hill Road adjacent to Baltimore Air Coil Facility. The present comprehensive plan designation is employment; the current zoning is R-3, garden apartment and townhouse district. The proposed zoning is I-2, general industrial district.

This land is currently undeveloped. The proposed use is a fertilizer sales and storage facility. It located on an established rural road as depicted on DELDOT's functional classification map. It is surrounded by residential and industrial districts.

The properties to the north are zoned R-8 (proposed garden apartment and townhouse community) and A-C (agricultural conservation in Kent County). The property to the west is the site of Baltimore Air Coil and is zoned I-L (limited industrial) within Kent County. Properties to the east are zoned A-C (agricultural conservation in Kent County) and are currently being used for agricultural purposes.

The properties to the south are zoned R-2 (residential) within city limits and are currently being used for agricultural purposes. The property is bounded on the south by an active railroad right of way.

The project site is located within an excellent groundwater recharge area and any development of this parcel must adhere to the city's Source Water Protection Ordinance. The proposed use for this property will require a conditional use site plan review.

Mr. Pierce then continued by explaining that groundwater recharge is a process by which water moves downward from surface water to groundwater. Recharge is the primary method in which water enters an aquifer. An ordinance adopted in 2008 by city council defines source water protection areas and provides a policy to protect the city's drinking water. The policy provides a table for Land Use Restrictions and Uses in Source Water Protection Areas that requires conditional use approval for chemical processing and storage facilities.

The planner explained that the proposed change of zone meets all area regulations outlined in the City Zoning Code/Chapter 230-17 (I-2 general industrial).

The applicant requested an amendment to the Comprehensive Plan Future Land Use Maps to revise the area of petition from Moderate Density Residential to Employment. The amendment was prepared and reviewed by the Office of State Planning Coordination in June 2015. Comments were received from the Office of State Planning Coordination in July 2015. The comp plan amendment was then approved by City Council in October 2015.

If approved this evening, the existing residential parcels would be consolidated prior to the site plan process.

This matter was reviewed by the Planning Commission who recommended approval by unanimous vote on December 15, 2015.

Gregory Moore from Becker Morgan Group stated they are the architects and engineers representing the applicant. He noted there are representatives from Crop Production Services also present.

He explained that Crop Production Services is an operating business on Rehoboth Boulevard. They will simply continue that operation on this property on Holly Hill Road. The property works for them because of its size; it is also next to Baltimore Air Coil, which from a planning aspect, is positive for the area.

Mr. Moore noted that the State of Delaware agencies agree that putting residential uses next to Baltimore Air Coil is not compatible mainly because those residents will most likely complain about the adjacent industrial uses.

Baltimore Air Coil is very much in favor of this project.

He continued by stating that the rail behind both Baltimore Air Coil and Crop Production also attracted them to this site. As a result, there could be a joint effort to have rail provided to the rear of both facilities which would benefit both

businesses. The initial phase of their relocation would not include the rail though it is a possibility in their future.

Mr. Moore then reported that the Source Water Protection was actually implemented by DNREC; it was promulgated to the City of Milford to create an ordinance. The overlying rules and regulations were put forth to protect the wells.

He noted that this property is not in a section that contains wells that need protection; this is the third and last protection area and it simply states that the soil on this property is good for draining as any farm would. Baltimore Air Coil is located in the same zone with the same criteria. Therefore, there is no direct connection to the water wells and instead, water that will go into the ground and ultimate groundwater.

Mr. Moore informed council that the entire Dover International Speedway is in the same classification. When DNREC created this mappings, many facilities similar to Baltimore Air Coil and Crop Production Services ended up in that classification.

He emphasized that aquifers that draw water are much deeper than where these connections would be.

Council had no questions for the applicant.

Mayor Shupe opened the floor to comments from the audience. When no one responded, the floor was closed.

Mr. Grier moved to adopt Ordinance 2015-25, approving the change of zone from R-3 to I-2 on the property owned by Crop Production Services LLC, seconded by Mr. Mergner:

*ORDINANCE 2015-25
Change of Zone/Lands belonging to Crop Production Services LLC
Tax Parcel MD-16-18207-01-01.00 through 99.00
MD-16-18207-02-01.00 through 99.00
MD-16-18207-03-01.00 through 23.00
34.17 +/- Acres
Current Zone R3/Proposed Zone I2*

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 34.17 +/- acres of real property from R3 to I2 on Holly Hill Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Fertilizer Sales and Storage Facility. Tax Map and Parcel: MD-16-18207-01-01.00 through 99.00, MD-16-18207-02-01.00 through 99.00, MD-16-18207-03-01.00 through 23.00

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

WHEREAS, Milford City Council will hold a Public Hearing on January 25, 2016 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 MD-16-18207-01-01.00 through 99.00, MD-16-18207-02-01.00 through 99.00, MD-16-18207-03-01.00 through 23.00, owned by Crop Production Services located on Holly Hill Road, is hereby zoned I2.

Dates:

Introduction: December 14, 2015

Planning Commission Public Hearing & Recommendation: December 15, 2015

Adoption Date: January 25, 2016

Effective Date: February 4, 2016

Motion carried by unanimous vote for the following stated reasons:

Mr. Mergner-votes yes noting that it makes sense to bring this facility to this area with the industrial zoning.

Mr. Grier-votes yes stating that industrial is a suitable zone for this particular property and facility.

Ms. Peel-votes yes and agrees with what they said and trusts the reassurance by the applicant regarding the water.

Mr. Burk-supports the recommendation of the planning commission.

Mr. Brooks-votes yes stating the business is in his ward now and he never had a complaint on the crops.

*Code of the City of Milford
Part II-General Legislation/Chapter 230 Zoning
Article X-Site Plan Review
§230-52- Review Procedures
Adoption/Ordinance 2015-26*

City Planner Pierce reported that this ordinance amends the Site Plan Review Section of the Code of the City of Milford related to the timing of the signing of a subdivision/development agreement and removing the reference of a public hearing for by right site plan applications.

It has always been the city's policy that by right site plans do not require a public hearing before the Planning Commission. The intent is to remove this language from the code to prevent future confusion.

The last paragraph will be removed as is noted on the document in the packet.

The Planning Commission recommended approval with a unanimous vote on January 19, 2016

Mayor Shupe clarified this ordinance is not eliminating anything that was previously done. We are simply changing the language to coincide with our current practices.

Solicitor Rutt explained that for some reason, the code contained the term public hearing. The city planner and planning commission review the plan to ensure it complies with all the technical requirements in the ordinance. Under Delaware law, if it does comply, it is considered a by right subdivision. If the streets are required to be a certain width or heights of buildings and density are restricted, for example, and the site plan meets all criteria, it is a by right subdivision according to the solicitor.

Mr. Rutt said this simply eliminates the step of holding a public hearing when the public hearing has no impact.

Council had no comments.

Mayor Shupe asked for comments from the public; no one responded and the floor was closed.

Ms. Peel moved to adopt Ordinance 2015-26, approving the amendment of the City of Milford Zoning Code, Chapter 230, Article X-Site Plan Review Procedures, seconded by Mr. Burk:

*ORDINANCE 2015-26
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING*

*ARTICLE X-SITE PLAN REVIEW
§230-52– REVIEW PROCEDURES*

WHEREAS, the City of Milford deems it necessary to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter; and

WHEREAS, the Planning Department deems it necessary to update the Site Plan Review procedures.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by adding and renumbering as follows:

A. Preliminary approval.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57.*
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.*
- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.*
- (4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.*

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.*
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan, if applicable, and in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.*
- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.*
- (4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.*
- (5) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.*
- (6) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.*
- (7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.*

C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.

~~*D. Prior to the Planning Commission holding a public hearing to review the application for the site plan, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.*~~

Section 2. Dates.

Planning Commission Review and Public Hearing: January 19, 2016

City Council Review and Public Hearing: January 25, 2016

Adoption: January 25, 2016

Effective: February 4, 2016

Motion carried.

Change of Zone of Annexed Lands belonging to Mispillion Realty LLC

Adjacent to Fieldstone Avenue/Brookstone Trace Subdivision

Current Zone M-R; Proposed Zone R-3

Tax Parcel 1-30-3.00-080.02

Adoption/Ordinance 2016-01

Adoption/Resolution 2016-04

Mr. Pierce advised that the ordinance relates to the establishment of the zone for the proposed annexation of the Mispillion Realty LLC lands.

The planner reported the following:

Petition submitted on October 17, 2014 to annex 2.0 +/- acres currently zoned medium residential within Sussex County. The site is located adjacent to Brookstone Trace subdivision, which was approved by city council as a 119-townhouse community in September 2006.

A Comprehensive Plan Amendment was required and subsequently submitted to Office of State Planning Coordination in June of 2015 requesting to change the future land use designation, for the area of petition, from low density residential to moderate density residential. The state had no objection to the modification to the city's future land use plan.

City council approved the amendment to the comprehensive plan in October 2015.

The annexation committee met in November 2015 to discuss the advantages and disadvantages. The committee recommended approval of the petition, with an R-3 zone, by a unanimous vote.

He referenced the map showing the location of the site, which is currently landlocked.

The annexation agreement was reviewed by our solicitor and approved and executed by the applicant.

The planning commission recommended approval of the zoning designation of R-3 on January 19, 2016.

Jamie Masten of Mispillion Realty then addressed city council stating that his intent is to incorporate this landlocked parcel into the Brookstone Trace subdivision which is in the city.

Mr. Brooks asked if they will be joined together; Mr. Masten stated yes, it will become part of Brookstone Trace.

Mr. Burk asked what Mr. Masten is planning to build; Mr. Masten said he is unsure at this point. The Brookstone subdivision was approved for townhouses. Since that times, the code has changed and because rear alleys are now required, this will most likely be apartments or condominiums.

Mayor Shupe opened the floor for comments from the audience; no one responded and the floor was closed.

Mr. Grier moved to adopt Resolution 2016-04 annexing the approximate two-acre Tax Parcel 1-30-3.00-080.02 into the limits of the City of Milford, seconded by Mr. Brooks:

Resolution 2016-04

Annexation/Lands belonging to Mispillion Realty LLC

1.99 +/- Acres

Current Zone M-R/Proposed Zone R-3

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. 1-30-3.00-80.02

All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated August 2013, last revised 30 September 2013, east of but not adjacent to the easterly right of way line of Shawnee Road, also known as SCR 619, at sixty (60) feet wide, adjoining other lands now or formerly of Frank Emmi, Jr., lands now or formerly of Brookstone Trace Subdivision, lands now or formerly of Brian T. Warnock, lands now or formerly of Jayson D. Crouch, lands now or formerly Vincent M. Consentino, lands now or formerly of Leah B. Tazelaar, lands now or formerly of Betty J. Anderson and lands now or formerly of Arthur R. Bradley, being more particularly described as follows, to wit:

BEGINNING at a corner for other lands now or formerly of Frank Emmi, Jr., and at a corner for lands now or formerly of Jayson D. Crouch, said point being distant 300 feet more or less from the centerline of Betty Street and 308 feet, more or less, from the right of way line of Shawnee Road; thence proceeding with said Emmi lands North 26 degrees 07 minutes 16 seconds East 107.84 feet to a found concrete monument at a corner for lands known as Brookstone Trace Subdivision; thence proceeding with said Brookstone Trace Subdivision the following four courses and distances: (1) North 26 degrees 11 minutes 09 seconds East 86.58 feet to a found concrete block on end; (2) South 64 degrees 58 minutes 51 seconds East 222.13 feet to a found concrete monument and (3) South 25 degrees 03 minutes 03 seconds West 191.72 feet to a found concrete monument at corner for lands now or formerly of Brian T. Warnock; (4) South 25 degrees 03 minutes 03 seconds West 191.64 feet to a found concrete monument at a point in the line of Vincent M. Consentino; thence following lands of said Consentino and in part with lands now or formerly of Leah B. Tazelaar, Betty J. Anderson and Arthur R. Bradley, North 65 degrees 14 minutes 12 seconds West 228.68 feet to a found iron pipe at a corner for lands of Brian T. Warnock; thence finally running with lands now or formerly of said Warnock and Jayson D. Crouch, North 25 degrees 54 minutes 02 seconds East 190.02 feet to the place of beginning,

CONTAINING 1.99 ACRES of land, 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 ten days following 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 2 and City Council intends that these parcels become part of and be included within the Ward 2 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 January 25, 2016 at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried by the following unanimous roll call vote:

Mr. Mergner-votes yes stating that it makes sense to tie the two properties together.

Mr. Grier-votes yes stating that it is appropriate to incorporate this land into the Brookstone Trace subdivision.

Ms. Peel-votes yes in conjunction with the planning commission motion.

Mr. Burk-votes yes and supports the recommendation of the planning commission and the State Office of Planning's approval.

Mr. Brooks-votes yes because the owner wants to join this land with the other land.

Mr. Burk moved to adopt Ordinance 2016-01 changing the zoning of the Mispillion Realty LLC land from Sussex County's M-R to the City of Milford's R-3 zone, seconded by Mr. Grier:

*ORDINANCE 2016-01
Change of Zone of Annexed Lands belonging to Mispillion Realty LLC
Tax Parcel 1-30-3.00-080.02
2.00 +/- Acres
Current Zone MR/Proposed Zone R3*

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.00 +/- acres of real property from MR to R3 adjacent to Fieldstone Avenue in Brookstone Trace, Milford, Delaware. Present Use: Vacant. Proposed Use: Garden Apartment/Townhouse. Tax Map and Parcel: 1-30-3.00-080.02

Whereas, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on January 19, 2016; and

Whereas, Milford City Council will hold a Public Hearing on January 25, 2016 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 3-30-3.00-080.02, owned by Mispillion Realty LLC located on Fieldstone Avenue in Brookstone Trace, is hereby zoned R3.

Dates:

Planning Commission Review & Public Hearing: January 19, 2016

City Council Introduction: January 11, 2016
City Council Public Hearing: January 25, 2016
Adoption: January 25, 2016
Effective: February 4, 2016

Motion carried by the following unanimous roll call vote:

Mr. Mergner-votes yes based on the recommendation of the planning commission.

Mr. Grier-votes yes because this zoning coincides with the R-3 zoning of the existing subdivision this parcel will be incorporated into.

Ms. Peel-votes yes for the same reasons.

Mr. Burk-votes yes stating it is a reasonable request that fits the nature of the zoning of nearby properties.

Mr. Brooks-votes yes stating the same that Councilman Grier said.

James Roll on behalf of Manufacturers and Traders Trust Company (M&T Bank)
Final Minor Subdivision
1 NW Front Street
Tax Map MD-16-183.10-03-56.00; MD-16-183.10-03-82.00; MD-16-183.10-03-87.00

City Planner Pierce informed council this involves the previous M&T Bank at Front and Walnut Streets. The property is currently zoned C-2 and the most recent use was a bank and the proposed use is a parking lot and a bank.

He said that it appears that over the years, the bank purchased either houses or adjacent lots that created three different parcel numbers. One lots contains a portion of the lot, another lot contains the bank, drive-thru and some portions of the parking lot. In addition, there is an odd shaped parcel toward the rear that contains an additional parking area.

The applicant is seeking to consolidate the three parcels into two parcels and carve out the bank building solely. The residual would involve the parking lot areas.

Mr. Pierce said the lot consolidation is consistent with Chapter 230-13 and meets all design standards and area regulations. The C-2 district does not require setbacks nor off street parking. The intent of the C-2 zone is for those businesses to utilize the downtown public parking areas.

Steven Warren of 730 North Shore Drive, Milford, was present to represent M&T Bank. He stated they simply want to clean the property up and create two deeds instead of one for the new owner.

When asked for public comments; there was no response. The floor was then closed to public comment.

Mr. Grier moved to approved the final minor subdivision, seconded by Ms. Peel. Motion carried.

With no further business, Mr. Mergner moved to adjourn the public hearing portion of the meeting, seconded by Mr. Grier. Motion carried.

The Public Hearing adjourned at 7:49 p.m.

Respectfully submitted,

Terri K. Hudson, MMC

City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 25, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 25, 2016.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Ingram Peel,
James Burk and Owen Brooks, Jr.

City Manager Eric Norenberg, Police Chief Kenneth Brown and
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:49 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Jonas Winter Storm

Mayor Shupe thanked the utility and street departments for their assistance during what was declared as one of the largest snowstorms on the east coast. He recognized Milford Police Department for their 24/7 coverage despite the weather conditions and Carlisle Fire Company for their ongoing assistance. He noted there were a number of people driving during the storm who had to be helped by our first responders.

City Manager Norenberg reported that we had a number of employees from various city departments plowing the streets. He said they worked throughout the day Saturday. Our water crews were then called back out for a water main break at 1:00 a.m. Sunday morning. That created a lot of ice in the area though it was later taken care of.

As a result, the temporary patch at the intersection of SE Second and Washington will need to be permanently repaired at a later date.

Mr. Grier thanked the city manager for his communication throughout the entire storm. He said it was great having an answer when people questioned him about the storm.

Mr. Norenberg said he could not have done it without the help of the police department staff and Sussex and Kent County Emergency Operation's ongoing notifications. They arranged several conference calls on Friday and Saturday that kept everyone in the loop and enabled him to have the right information to pass on.

COMMUNICATIONS

Included in packet.

UNFINISHED BUSINESS

Approval/Employee Contract

Mr. Grier moved to approve the employment contract for Chief Kenneth Brown as discussed in executive session on January 11, 2016, seconded by Mr. Brooks. Motion carried with no one opposed.

NEW BUSINESS

Adoption/Resolution 2016-03/All Hazard Mitigation Plan for the City of Milford

City Manager Norenberg stated that in accordance with the Disaster Mitigation Act adopted by the United States Congress, each county is required to plan mitigation efforts that must be updated every five years. Kent County Levy Court adopted their updated Multi-Jurisdictional All Hazard Plan which became effective October 13, 2015.

He noted that Sussex County recently started their update process and because Milford is a bi-county municipality, city council will see a similar resolution for Sussex County in the coming months.

Brandon L. Olenik, Administrative Officer from Kent County Department of Public Safety Emergency Management Division introduced himself noting that the levy court adopted the completed plan in October.

He referred to the 269-page plan available on the city's website.

Mr. Olenik reported that the process took about a year with the help of a consultant who will also be working with Sussex County. Following its completion, every municipality in the county will be contacted by the consultant for feedback.

Mr. Norenberg will be meeting with Mr. Olenik to discuss the locally specific mitigation actions needed including moving Milford Fertilizer out of the floodplain, a backup emergency radio system, an update reverse notification system and the development of riparian buffer standards for building setbacks along the Mispillion River which is already underway.

Mr. Norenberg will be updating council on the status of the implementation of those items.

Mr. Olenik noted that by adopting the Kent County plan makes the City of Milford eligible for hazard mitigation assistance programs and more specifically, the mitigation grant program and pre-disaster mitigation program which involves two FEMA grants. That will allow federal money to cover the actions included in the plan.

Mr. Brooks moved to adopt Resolution 2016-03, seconded by Ms. Peel:

ADOPTION OF KENT COUNTY ALL HAZARD MITIGATION PLAN

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local government develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and

WHEREAS, a local Hazard Mitigation Advisory Committee comprised of county governmental departments, municipal council members, business community representatives, nonprofit organizations and citizens working in Kent County of the State of Delaware, convened in order to study the City of Milford's risks from, and vulnerabilities to natural, technological and terrorism and to make recommendations on mitigating the effects of such hazards on the city, and

WHEREAS, a contract was issued to an experienced consulting firm to work with the Kent County Hazard Mitigation Advisory Committee and the Delaware Emergency Management Agency to develop a comprehensive All Hazard Mitigation Plan for Kent County in Delaware, and

WHEREAS, the efforts of the City of Milford, Kent County, and the consulting firm have resulted in the development of an All Hazard Mitigation Plan for Kent County and the City of Milford.

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that the updated Kent County All Hazard Mitigation Plan, dated October 13, 2015, is hereby approved and adopted for the City of Milford and Kent County in the State of Delaware. A copy of the plan can be found on the City of Milford website.

Motion carried.

Approval/Amended & Restated City of Milford Retirement Plan

Mr. Norenberg explained that the city's retirement plan must also be re-adopted every five years, including any voluntary amendments or changes that have been made to the plan. At this time, there have been no changes or amendments to the current plan though we must restate the plan by January 31, 2016.

This was requested by Human Resources Manager Lisa Carmean.

Mr. Burk moved to approve the amended and restated City of Milford Retirement Plan, seconded by Ms. Peel. Motion carried.

EXECUTIVE SESSION

Mr. Mergner moved to go into executive session, seconded by Ms. Peel, reference below reason.

Property Sale/Lease/Incentives-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

Mayor Shupe temporarily recessed the Council Meeting at 8:02 p.m. for the purposes as are permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to regular session at 8:39 p.m.

Approval/Letter of Conditions

Ms. Peel moved to approve the Letter of Conditions discussed in Executive Session, seconded by Mr. Burk. Motion carried.

ADJOURN

Mr. Mergner moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 8:41 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder