

MILFORD CITY COUNCIL

MINUTES OF MEETING

November 24, 2014

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

Milford City Council held Public Hearings on Monday, November 24, 2014 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on the following matters:

Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2015

Adoption of Resolutions 2014-16; 2014-17; 2014-18; 2014-19; 2014-20

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

Mayor Shupe advised the City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, is holding a public hearing for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant Program.

In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This federally funded program provides grants amounting to \$2,000,000 (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties.

The mayor advised that Brad Whaley from Sussex County and Albert Biddle from Kent County are in attendance to present the information.

Mr. Whaley addressed council thanking the mayor and council for allowing them to hold this public hearing. He explained that their offices apply for and administer the Community Development Block Grant (CDBG) funding for towns and cities in Kent and Sussex Counties. This funding originates from HUD (Department of Housing and Urban Development) and is designed to help low to moderate income residents with housing issues. The funding has been used for mainly housing rehabilitation and demolition, small infrastructure projects, sewer and water connections, etc.

He advised that almost \$2 million is available, on a competitive basis, for Sussex and Kent Counties. Mr. Whaley added the application is due in February.

The current guidelines, established by HUD, are as follows:

		Kent County			Sussex County	
	30% OF MEDIAN	LOW	MODERATE	30% OF MEDIAN	LOW	MODERATE
1 Person	13,600	22,650	36,250	13,100	21,850	34,950

2 Person	15,550	25,900	41,400	15,000	25,000	39,950
3 Person	17,500	29,150	46,600	16,850	28,100	44,950
4 Person	19,400	32,350	51,750	18,700	31,200	49,900
5 Person	21,000	34,950	55,900	20,200	33,700	53,900
6 Person	22,550	37,550	60,050	21,700	36,200	57,900
7 Person	24,100	40,150	64,200	23,200	38,700	61,900
8 Person	25,650	42,750	68,350	24,700	41,200	65,900

Mr. Whaley explained that historically, the funding is used for housing rehabilitation in an attempt to keep the housing stock stable. Basic housing repairs, roof repairs, windows, HVAC upgrades and electrical upgrades are often done. The house must be a home-owner occupied property, property taxes must be current and it must be insured or insurable.

A rehab does require the funding be secured with a lien. Depending on the age of the home owner, it fluctuates from a five to a ten-year lien. It is a non-interest bearing, prorated lien which means each year, it is reduced by a percentage based on what would need to be repaid if the property were sold.

Any demolition involves a permanent lien and when the property is sold, the funding is reimbursed and reissued in that community.

Mr. Whaley reported that on the Sussex side over the past ten years, Milford has received a little more than \$453,000 was used by 35 households for rehabs. During the current 2014 funding year, Milford received \$70,000 for housing rehabs. Presently, there are four projects under contract which should be started in the near future.

Mr. Whaley reported that the purpose of the hearing is to allow town leaders and residents to provide input on what they would like the counties to apply for in the upcoming funding year (2015).

Mr. Pikus referenced the \$35,000 income and asked if there is an exception such as social security; Mr. Whaley confirmed that all income, including social security and pensions are included in the calculation. The income is total income and multiple incomes within the household are included.

Mayor Shupe commented that the Economic Development Committee suggested and council approved, some micro loans for small businesses. This may be a way to look at residential rehabilitation in conjunction with the city's loan program.

The mayor recommends they continue to apply for the same type applications as were done in the past.

Mr. Whaley informed council there are currently fifteen names on the waiting list.

The city manager noted that the city code officials are aware of this program and periodically suggest this type funding for homeowners who need help.

Albert Biddle of Kent County then introduced himself noting that Mr. Whaley covered all the essentials.

Mr. Biddle explained that this current year (FY 2014), Sussex County received money for Milford while Kent County did not. However, Kent County did obtain funding for Milford in FY 2013 which benefitted four to five projects. Because the years overlap, they are presently finishing up those projects.

Mr. Biddle noted that Sussex County will begin the FY 2014 projects shortly and Kent County is just closing down the

FY 2013 projects.

He also pointed out the income levels are somewhat different in each county and slightly higher on the Kent County side. However, the program is identical in both counties.

Mr. Brooks asked the number of residents on the waiting list in Kent County; Mr. Biddle stated there are a few less on his waiting list. He confirmed that they operate off the waiting list and work with city inspectors so that they are better aware of the needs in the community. When someone is added to the list for a housing rehab, they go down the list and as long as the property owner remains on the list, they will eventually receive the funding as is required by the federal government.

Mayor Shupe asked if anyone from the public wished to speak. No one responded.

Councilman Gleysteen then moved to adopt the following five resolutions:

RESOLUTION 2014-16
Sussex County

Council Member Gleysteen submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ _____, total CDBG grant request is \$ _____. Matching funds in the amount of \$ _____ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 24th DAY OF NOVEMBER 2014.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Council Members

Garrett Grier, III	Owen Brooks, Jr.
Christopher Mergner	Douglas Morrow
S. Allen Pikus	James Starling, Sr.
Dirk Gleysteen	Katrina Wilson

 Bryan W. Shupe
 Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. _____ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE ____ DAY OF _____.

 Robin A. Griffith
 Clerk of the County Council

Resolution 2014-17
 CITIZEN PARTICIPATION
 CERTIFICATE OF ASSURANCE
 Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 24, 2014 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

s/Mayor Bryan Shupe

RESOLUTION 2014-18
Requirement for Fair Housing
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 24, 2014.

s/Mayor Bryan Shupe

RESOLUTION 2014-19
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Bryan W. Shupe, to submit the Fiscal Year 2015 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2015 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on November 24, 2014.

s/Mayor Bryan Shupe

RESOLUTION 2014-20
Requirement for Fair Housing
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 24, 2014.

s/Mayor Bryan Shupe

Motion seconded by Mr. Pikus and carried with no one opposed.

Mayor Shupe thanked Mr. Whaley and Mr. Biddle for attending this evening.

*Matthew & Jennifer Feindt/303 Pierce Street
Minor Subdivision & Conditional Use
Parcel MD-16-183.10-04-12.00
Adoption/Ordinance 2014-07*

Mayor Shupe advised this is an application for Matthew and Jennifer Feindt for a conditional use to allow a single family semidetached dwelling in an R2 District and a final minor subdivision on 0.25+/- acres at 303 Pierce Street. It included a reduction in front yard setback to 18.5' on Pierce Street, and a reduction in front yard setback to 17.5' on NE Second Street.

Bob Nash of Bob Nash Associates was present to represent the application. He apologized for not attending the hearing scheduled last month due to some confusion.

Mr. Nash introduced himself as the surveyor that has been working on the project for several months. He explained this is a problematic property on an acute angle at the corner of Pierce Street and Second Street. The intent is to build a duplex on the property. In the process of doing that, there were setback issues on both streets and width issues as well as coverage issues.

All issues went before the Board of Adjustment who approved everything. The planning commission conditionally approved the application based on the last variance that was approved by the Board of Adjustment.

They are now before city council to ask for final approval of the subdivision and conditional use.

Mr. Rutt referenced the history of the application included in the packet which states as follows:

Feindt Minor Subdivision/Conditional Use Project History

Project Description: This project is a proposed minor subdivision/conditional use. The applicant is proposing to subdivide a 10,827 ft² corner lot located at the corner of Pierce and Second Streets. The property is zoned R-2 and the applicant wishes to construct a semidetached residential building. This is a conditional use in the R-2 zone. The building will result in two (2) separately owned single-family units. The property line which will subdivide the existing parcel will subdivide the two (2) single family units. This will facilitate separate ownership.

May, 2014:

The application was forwarded to the City's planning and engineering consultant, Davis, Bowen & Friedel on May 5, 2014. The application included an application for a request for two (2) variances. The applicant was seeking relief from the required minimum front yard setback of 30 feet and the minimum required corner lot area of 6,500 ft². The applicant was proposing a minimum front setback of 18 ½ feet along Pierce Street and a corner lot area of 6,068 ft².

The consultant submitted review comments on May 8, 2014. The review pointed out that an additional variance would be required. A corner lot requires a minimum front setback of 30 feet on each street frontage. The applicant was proposing a front setback along Second Street of 17 ½ feet.

The project was considered by the Planning Commission on May 20, 2014. The Commission voted to recommend approval of the minor subdivision with the recommendation that the lot size variance be granted. The Commission then recommended approval of the conditional use with the following conditions:

1. There is a party wall between the two units
2. There is to be separate fee ownership of the two units
3. The setback variance(s) has (have) to be granted by the Board of Adjustment
4. It (the project) must meet all code criteria for duplexes

The requests for variances for the minimum required front setbacks and corner lot area were considered by the Board of Adjustment on May 22, 2014. The Board approved the variances for the requested reduction to the Pierce Street front setback and the corner lot area. The requested reduction to the Second Street front setback was conditionally approved pending recommendation from the Planning Commission and approval from Council.

June, 2014:

Because the application must be heard by the Planning Commission again, the application was not heard at the June 23, 2014 City Council meeting, as was originally scheduled and was instead scheduled for July 28, 2014.

July, 2014:

The revised plan was submitted to the City's consultant on July 11, 2014. The consultant forwarded review comments to the City on July 15, 2014. The review comments noted that two additional variances would be required. The maximum lot coverage for the conditional use is 30%. The applicant was proposing a lot coverage for the interior lot of 45%. The minimum lot width for the conditional use is 40 feet. The applicant was proposing a lot width of 39.2 feet for the interior lot.

The Planning Commission considered the project again on July 15, 2014. The Commission recommended approval of the 17 ½ foot front setback on Second Street and they recommended approval by the Board of Adjustment of the proposed interior lot coverage and the proposed interior lot width.

Because the application must be heard by the Board of Adjustment again, the application was not heard at the July 28, 2014 City Council meeting, as was scheduled and was instead scheduled for the October 27, 2014 meeting.

September, 2014:

The requests for reduced interior lot coverage and lot width were considered by the Board of Adjustment on September 11, 2014. The Board approved both requests.

October, 2014:

The applicant did not have representation at the October 27, 2014 City Council meeting therefore the application was deferred until the November 24, 2014 City Council meeting.

November, 2014:

The application is scheduled to be heard at the November 24, 2014 City Council meeting.

Mr. Rutt recommended the history be included in the record.

Mayor Shupe asked for comments from the public. No one responded.

Mr. Morrow moved for approval of the final Minor Subdivision and adoption of Ordinance 2014-07, seconded by Mr. Grier as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00

WHEREAS, the City of Milford Planning Commission did hold a public hearing on July 19, 2014, in accordance with the requirements set forth in the City of Milford Zoning Code to consider the Conditional Use Application and Ordinance 2014-07; and

WHEREAS, after reviewing all facts and testimony presented at said hearing, the Planning Commission did recommend that City Council approve the application and ordinance; and

WHEREAS, the Board of Adjustment held two hearings on May 20, 2014 and September 11, 2014 during which time variances for setback, lot size, lot coverage and lot width requirements were granted; and

WHEREAS, on November 24, 2014, a second public hearing was held at which time the City Council reviewed the Conditional Use application and Ordinance 2014-07, along with the recommendations of the Planning Commission and city staff; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling in an R-2 district as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit at Tax Map MD-16-183.10-04-12.00, in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.

Section 3. Dates.

Introduction 10-13-14

Adoption 11-24-14

Effective 12-04-14

Motion carried.

With no further business, Mayor Shupe adjourned the hearing at 7:18 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 24, 2014

The City Council of the City of Milford met in Workshop Session on Monday, November 24, 2014 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager Richard Carmean and Deputy City Clerk/ Recorder Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

The Workshop Session convened at 7:18 p.m.

NE Front Street Overpass/Woodshaven President Emmett Venett/DelDOT Project Manager Jim Satterfield

Mr. Venett introduced himself stating he is representing Woodshaven and the residents east of Route 1. He is hoping to gain support for the overpass on Northeast Front Street to alleviate the safety concerns in the area of Tenth/Front Streets and Route 1.

He recalled some letters that were written in 2009 in hopes of finding a more reasonable and safer approach to the development where Grottos and Royal Farms are now located. He recalled that in the beginning, the sentiment was this was simply a Woodshaven concern. His objective today is to get city councils' support to recognize that not only Woodshaven, but parts of the City of Milford, on both sides of Route 1 (including Milford High School) are impacted by the inadequacies of the two intersections.

Mr. Venett stated that DelDOT Secretary Shailen Bhatt has tried to institute what he calls an objective way of assessing the prioritization of projects called Decision Lens. Decision Lens involves a number of factors some of which are affected by the planning that occurs within DelDOT to design, acquire right-of-ways, etc. ahead of time. When that data is applied to Decision Lens, it has a lot of impact if the programs are already in place.

Mr. Venett pointed out that a certain part of Decision Lens is objective while a portion is political. The political part is where he is asking the city's help in bringing this project to fruition.

Decision Lens is based on the following criteria:

- Safety – 33%
- System Operating Effectiveness – 24.8%
- Multi-Modal Mobility/Flexibility/Access – 15.6%
- Revenue Generation/Economic Development/Jobs & Commerce – 7.9%
- Impact on the Public/Social Disruption/Economic Justice – 7.2%
- Environmental Impact/Stewardship – 6.5%
- System Preservation – 5%

Mr. Venett advised that the Thompsonville overpass is now number three on the priority list and is already in the bidding process. He said congestion made it a high priority. He explained that congestion is measured by taking the average speed of the highway, then measuring points along the highway to determine how that particular point fares in regard to the average speed.

He explained that if a light had been installed in front of the Silicato-Wood Subdivision, the priority of that overpass would have been much higher under that formula. Mr. Venett feels that the Thompsonville intersection is automatically

getting priority because it contains a traffic light.



He referenced the above picture which shows what most drivers in this area experience on Sunday with regard to traffic. Mr. Venett emphasized the challenge it is for people east of Route 1 to reach city services.

He then provided the following accident statistics which he believes covers a three-year rolling average:

Junction Route 1/Thompsonville Road
Accidents-26 with 6 injuries

Junction Route 1/Tenth Street
Accidents 16 with 8 injuries

Junction Route 1/Northeast Front Streets
Accidents 12 with 7 injuries

Total 28 Accidents (Tenth & Front Streets) with 15 injuries

Mr. Venett said that although we are unable to measure the speed as the model suggests, he feels the word congestion is a reasonable assumption as is proven in the photo below (looking east from Front Street):



He pointed out that bus drivers have a challenge because their bus barely fits on the intersection as indicated in the next photo:



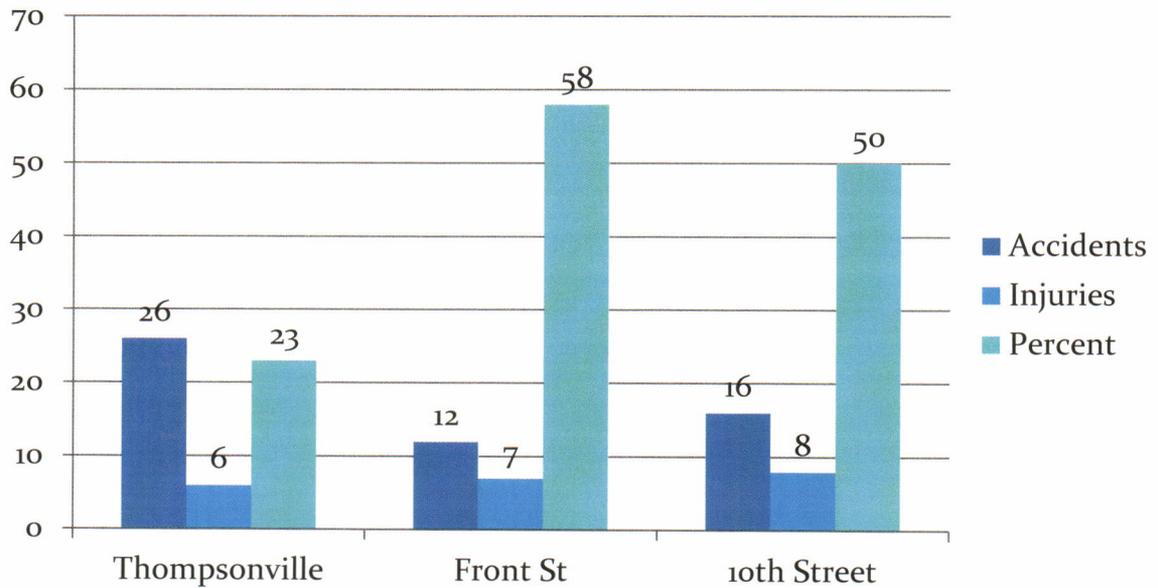
He recalled that one bus did not make it across the Front Street intersection and killed a woman from out of state a few years ago.

Mr. Venett then noted the inability to determine who has the right-of-way:



He expressed concern that the Northeast Front Street intersection has become extremely overloaded since DeIDOT closed the Tenth Street intersection in one direction. All northbound traffic (and eastbound into Woodshaven) is now required to travel south to the Front Street intersection to make a u-turn to go north on Route 1.

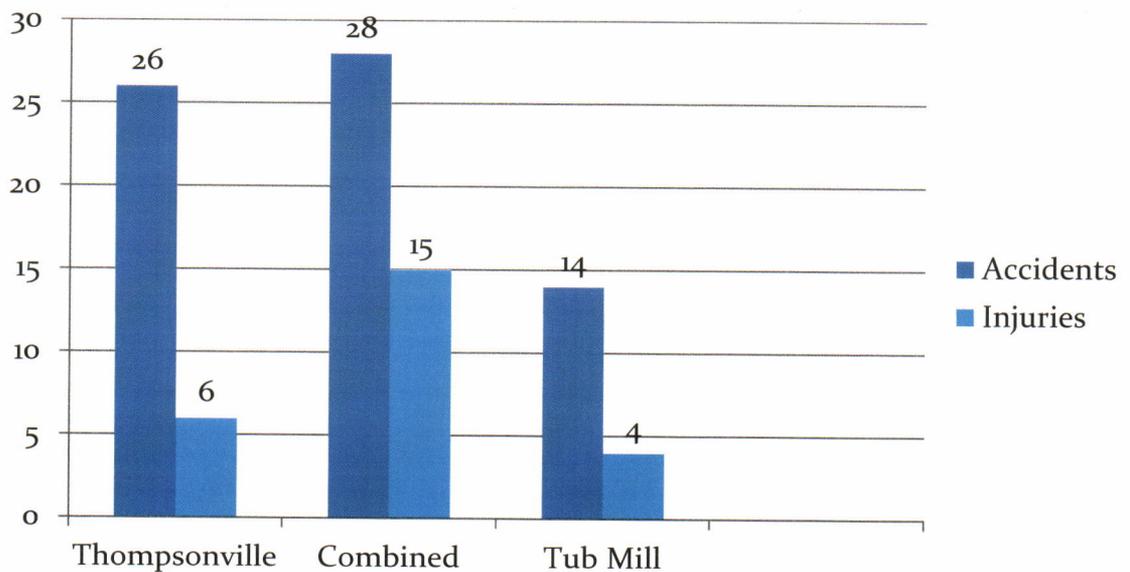
He noted that people using Royal Farms currently exit southbound on Route 1, then make the u-turn to go north which adds to the congestion of local traffic.



Mr. Venett explained that six of the 26 accidents at Thompsonville resulted in injuries as a result of front to back crashes and not angular crashes. Those accidents occur at various times and in most cases involve a driver that did not see a car stopped in front of them.

At the Front Street intersection, almost 60% of the people involved are injured because of angular crashes.

Mr. Venett said he has heard a lot of recent hype over the area where the sports complex is. He has heard people comment that the Tub Mill intersection is dangerous and already has the planning and funding. Therefore, it should be jumping ahead of the Milford overpass:



He referenced the 14 accidents occurring there which resulted in 4 injuries. Combining the Tenth Street and Front Street statistics, 15 of 28 accidents resulted in injuries.

Mr. Venett reported that DeIDOT has already announced the bid for the Thompsonville project which is a travesty considering the injuries and danger evident at the North Front Street intersection.

He asked that council consider the fact that a portion of the city is on the east side of Route 1. He noted that when Ed

Fisher and Harvey Marvel, Sr. were developing Woodshaven in the 1960's, they requested council annex the subdivision and provide electric services. However, council denied the request. Mr. Venett pointed out that if council had agreed to annex at that time, Woodshaven would be part of the city today.

He noted there is a large area that is conducive to further development and feels the subdivision where Royal Farms and Grottos are located could have been much more efficient traffic wise. He also asked council to consider the 90 +/- acres of McColley land, behind the Silicato subdivision, that is currently for sale and is zoned for commercial development.

He said when you see the impact of the overpass south of Milford near the new hospital site, the importance of infrastructure is evident in terms of properly developing the city in the future.

Mr. Venett's objective is that council join him, along with the residents east of Route 1, in contacting legislators and public officials to inform them that the facts say Milford needs this overpass.

When asked by Mr. Pikus if Secretary Bhatt has seen this presentation, Mr. Venett said not exactly in this format. However, approximately two years ago, Senator Gary Simpson, along with some other local legislators, met at Milford Library at which time a similar presentation was shown. He has made the presentation more graphical and with less data since that time.

He then explained that the Council on Transportation sits as a public group appointed by the governor to advise DeIDOT on their programming. He feels this is more of a 'public buy-in' before something is taken to the legislature. Mr. Venett met with them last November and pleaded this case. At that time, the council was discussing the sports complex and moving that project up in priority. He tried to make them aware of the facts, but was only able to speak for five minutes following a two and a half hour meeting. So he is unsure how much impact he had at that late time.

Mr. Venett does not believe the administration understands the safety concerns which might be due to a lack of voices. That is the reason he is asking for the city's support this evening. He feels city council has the ability to help them understand the importance of this situation though he believes the facts speak for themselves.

Mr. Brooks said he has been very supportive of this project. He lives on Tenth Street off Route 1 and frequently witnesses police vehicles, fire trucks and ambulances heading toward this intersection. On Sundays, he regularly observes Route 1 traffic on Tenth Street and Route 1 at a complete stop. He agrees it is basically impossible to cross east and west on Route 1 or to enter the northbound lane on Route 1.

Mr. Brooks' number one concern is safety. The school buses and students are put in a dangerous situation every time they enter those intersections. He has personally witnessed some very serious accidents at the Tenth Street intersection and agrees with the need for this overpass which, in his opinion, is the only solution.

Mr. Venett feels that most of the council are unfamiliar with this intersection because of where they live in the city. He understands it is difficult to sympathize because of that. He noted the statistics he provided tonight do not include the student who was killed walking across Route 1 to get to her home in Woodshaven because that occurred a year prior to the time frame covered.

Presently, anyone wishing to cross Route 1 from the west side must travel nine-tenths of a mile to get into Woodshaven. On weekends, they have to battle traffic in both directions. Previously vehicles would cross the intersection and go directly into the development.

He also recalled the bus driver who was trying to negotiate the turn at the Front Street intersection who killed a driver traveling south on Route 1.

Mr. Venett feels there is a high likelihood this will occur again though he prefers not having a body count to measure the need for the overpass though that may be the only criterion that gets DeIDOT's attention.

He is asking council for either a letter or a resolution of support that can be sent to DeIDOT stating that city council is concerned about this situation and that the overpass needs greater attention.

Mr. Pikus agrees we need to support protecting our citizens east of Route 1, which in his opinion, is part of Milford. It appears to him the Metropolitan Planning Organization (MPO) has a great deal of clout. He does not know anyone who has an objection to an athletic complex for kids though how successful it will be will depend on what they do. He asked if Mr. Venett has had a chance to talk to anyone on the MPO because of the media coverage they receive.

Mr. Venett pointed out that he is a one-man band who is trying to be effective. He recalled going to a number of cocktail parties when he was an officer at the base and would socialize with the officials in Kent County. He agrees there is a lot of clout there and they are good people. However, they do not know the facts and no one is approaching them from this community and enforcing the fact that this needs to be discussed.

Mr. Venett said the first time they recognized Milford as a community was when they needed some support for something that was already started in Kent County. They came to a meeting and asked Milford to help with their project. He understands that they recognize the leadership in Milford. However, he feels the city needs to do more to articulate Milford's needs at the Kent County level.

He noted there are two Milford residents that sit on the council though he is unfamiliar with them. He would be pleased to provide council with their names.

Mr. Venett then reported the members of the Council on Transportation include Lee J. Beetschen of Magnolia, I.G. Burton of Lewes, Robert Fifer of Camden-Wyoming, John Gilbert of Lewes, Sue McNeil of Newark, Martin Lessner, Barbara Y. Washam and Ted Williams from Wilmington. The nine-member advisory panel, appointed by the Governor, is chaired by Weston E. "Pete" Nellius of Rehoboth Beach.

Mr. Venett did not have the names of the Kent County Planning Group.

When asked the criteria needed to move this intersection up on the priority list, Mr. Venett explained that safety has an 80% value and is the main criterion. A program needs to be found where this project is identified. The Federal Highway Transportation Safety Group is mandated by the Federal Highway Administration because that is where 80% of the funds come from. They want to ensure a proper job of identifying these projects and if they spend the money, it needs to provide a quick return.

Mr. Venett said there is a need to figure out the system and how to share the information while obtaining as many supporters as they can.

He commended Jim Satterfield adding that he has worked with him throughout this process. However, the political push comes from the Federal Highway Transportation Safety Group, Council on Transportation and management within DeIDOT.

When asked what about system operating effectiveness, Mr. Venett stated he is unsure how that is measured though 50% is congestion.

Mr. Venett believes when they are considering the operating effectiveness of the system, they are looking at Route 1 north/south and how fast traffic gets to their destination. He does not believe they consider crossing traffic on Route 1. He feels that would work if the road mirrored Route 1 north of Dover which is a dedicated limited access highway. However, south of Dover to the beaches involves entrances, driveways and roadways.

Jim Satterfield then introduced himself as the Regional Group Engineer for Project Development South 1 which covers projects in Kent and Western Sussex County. He has worked with Mr. Venett in the past and agrees with Mr. Venett's concerns with regard to the need for this overpass.

Mr. Satterfield stated he is the Project Manager for Route 1 and Route 9, Route 1 and Route 30, Thompsonville, South Frederica and Northeast Front Street. Like everyone else, he would like for all of the projects to move forward and agrees each has their own needs.

Mr. Satterfield said that unfortunately, he is not a lot of good with regard to how projects are prioritized. Being the project manager for these overpasses, he wants to build them all.

He does not know a lot about Decision Lens though he is fighting for each of these projects to be built. Mr. Satterfield recommends that DeIDOT's Director of Planning Drew Boyce be invited to a meeting so that he can review Decision Lens. He believes it is garnered to remove a lot of the subjectivity with regard to how projects are ranked and is unsure how that is done. He reiterated that Mr. Boyce is more familiar with the program than he is.

Mr. Satterfield met Mayor Shupe at the time they toured the state with Senator Carper who was looking for funding for the project. The funds could possibly come from additional gas tax, borrowing or other revenue sources that may be available for projects like this.

He recalled the Front Street project was funded with right-of-way acquisition as early as 2017 at one point. That money was then moved around. Mr. Satterfield has a new in-house designer working on it to prevent a huge outlay of preliminary engineering funds being used. This is a much cheaper way of handling it versus an outside firm doing the work.

Mr. Satterfield is asking for enough money to dig some soil borings and utility test pits to get to the final right-of-way plans. At that point, if something else were to fall behind or an additional revenue source was found, he could suggest some money be spent to buy the right-of-way for Northeast Front Street. The project would then be that much further along.

He stated that they will do what they can to get to the final design in case funding becomes available; they would then be ready to purchase the right-of-way.

Mr. Satterfield stated that as everyone has stated, this could fix a lot of the problems Mr. Venett described. He said a grade separation located at Front Street would make use of a portion of the service road that was built when Grottos and Royal Farms were developed. That would connect Tenth and Front Streets with a grade separation which would eventually serve both roads.

He recalled there were six or eight alternatives considered and a number of public workshops offered by DeIDOT at which time those alternatives were presented. They decided on the final design, which ended up being the least expensive because some of the infrastructure is already in place as a result of the Silicato development on Route 1.

Mr. Satterfield emphasized that his staff is continuing to work on this and he supports council taking a position in hopes of finding some source of funding for the overpass. If the money is found, they will get it built.

Mr. Pikus stated it is hard for him to understand, though he realizes this is bureaucracy, but feels it is necessary to fight the politics of northern Kent County. He said it would be great to build all the overpasses if there were money in the highway transportation fund though that is not the case. He pointed out it will not happen because the people downstate do not have the clout they do upstate because that is where the votes are. He asked how they justify putting up an overpass for something DeIDOT does not even know will work. He pointed out that in Milford, two people have lost their lives at these overpasses. His family uses these overpasses every day. He cannot understand how the State of Delaware and Kent County Senators and Representatives can justify overlooking the Milford intersections and instead move the sports complex up the list over the safety and health of our residents.

Mr. Satterfield said he does not disagree but part of what is happening is the amount of history that has built up in regard to all the grade separations. When he first started working on these, which is the better part of a decade, they were tasked to begin removing signals on Route 1. It was to begin at Route 9, then at Little Heaven, then at Thompsonville. However, that was during the development boom. South Frederica gained a lot of attention at that point because there was a lot of

development proposed west of Route 1 which was prior to the sports complex concept.

He said there have been different interests throughout this time frame. The projects were moved around and Thompsonville was moved to the bottom of the list because there was a perception, right or wrong, the signal was safe for now. Then there was an issue at Route 1 and 30 after a few serious accidents, even though that had been on the radar for years. Priorities have changed in the past three to five years and at that point, they were working to finalize those projects. That is how Thompsonville has gotten to the point that all the right-of-ways were acquired. He said that is also how South Frederica got to the point that they were one day away from advertising and were informed to hold off. Both of those projects have acquired right-of-ways and the Northeast Front Street has not gotten to that point. The other two are still ahead of Northeast Front Street because of that.

Mr. Pikus confirmed the right-of-way is acquired for the South Frederica overpass; Mr. Satterfield stated yes which was the result of the development planned west of Route 1. Though that development never occurred, the sports complex was gearing up. It was agreed that the grade separation would work for the sports complex as well. The priority was to keep working on the South Frederica overpass until the sports complex was ready to go and the two would go together. Then Decision Lens came into play which changed the priorities and moved the South Frederica project down and the Thompsonville overpass up. Northeast Front Street was also moved down the list though they continued to work on it.

Mr. Satterfield explained that priorities have changed over the years. As they continue to work on certain projects, they gain more attraction because the right-of-way plans are done and right-of-ways acquired. At that point, it only needs to be advertised though the money has to be found to build them. He said the Northeast Front Street project has not gotten to that point which is what Mr. Venett and the Woodshaven group are fighting.

It was agreed that the City of Milford needs to go on record to support the Northeast Front Street to protect the citizens of Milford.

Mr. Satterfield then referenced the map showing the land owned by the State of Delaware. He explained the service road behind Grottos and Royal Farms was built with the intention of tying into the overpass which would provide access to both Tenth and Front Streets.

Mr. Venett asked if the NKS property is available; Mr. Satterfield said he is unsure though they were told they would not receive access to that ramp. The plan is to extend the service road and if NKS were to develop on that lot, they would not be able to safely and efficiently access the ramp.

Mr. Satterfield confirmed there will be some impact to Hitchens Tire and Brendon Warfel's property. They would approach NKS to purchase their property for use as part of the project. He believes there may be a total of ten to twelve parcels involved.

He also confirmed there will be a significant impact on the Chaney land as well. Regardless, DeIDOT's intent is to minimize the effect on as many properties as possible.

Mr. Venett then pointed out that an extension of the service road from the overpass that would provide access to the Hampton Inn and allow further development near the Lighthouse Estate subdivision. He said to repair the narrow access over the wetland area will be very expensive. The availability of an overpass on that side of the highway will inevitably lead to more development on the east side. The overpass on the west side of Route 1 will enhance the viability of the lots on Silicato Way.

Mr. Satterfield explained that during the first several minutes of every presentation he does now is a discussion about the need for additional funding. He understands that each of the overpasses is important but he stressed how impossible it would be to obtain it all at once.

The consensus of council was for a resolution of support to be added to the next council agenda.

Mayor Shupe thanked Mr. Satterfield and Mr. Venett for attending and providing their information.

Ordinance 2014-18/Chapter 204/Taxation/Supplemental Bills and Appeal Deadlines

City Manager Carmean presented the following ordinance that was needed to solve some problems encountered with supplemental bills, appeal dates and deadlines. This ordinance will change our tax year to end on June 30th and all properties will be billed within that year. It also addresses any improvements to existing properties and the need for an interim assessment. There are no major changes and no impact on the tax rate.

*Ordinance 2014-18
Chapter 204/Taxation*

ARTICLE I - Tax Relief for Senior Citizens

§ 204-1. - Conditions for senior citizen exemption on real property tax.

Every person 65 or more years of age having an income not in excess of \$15,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$40,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed \$25,500 per year, exclusive of social security and railroad pensions.

§ 204-2. - Signed statement required; proof of income.

Every fact essential to support a claim for exemption as provided shall exist during the previous year. Every claimant, therefore, shall sign a statement that he or she is a resident of the City of Milford, of the age of 65 years, the owner and resident of a dwelling which is a part of the real property for which such exemption is claimed and has been a resident of that property for a period of at least one year prior to the year for which he or she is claiming that exemption. Such applicant shall also establish that his or her income for the yearly period did not exceed that allowed in § 204-1, exclusive of social security and railroad pensions.

§ 204-3. - Written application; filing.

No exemption from taxation on the valuation of real property shall be allowed except on written application, on a form prescribed by the City and mailed each year to applicants who have requested such exemption. All applications to be filed will be based on information for the pretax year and must be received prior to the billing process on a date determined each year by the City of Milford.

§ 204-4. - Continued exemptions.

The City shall require the filing of a new application or such proof as deemed necessary to establish the right of the claimant to continued exemption.

§ 204-5. - Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

REMOVE:

ARTICLE II - Exemption of New Improvements Added to Property

~~*§ 204-6. - Eligibility for new improvement exemption of real property taxes.*~~

~~*The exemption shall only apply to the increase in assessed value resulting from substantial rehabilitation, renovation or improvements of existing properties (residential, commercial, industrial, etc.) located within the city limits. New construction does not qualify.*~~

~~*The building permit for the said improvements must be issued prior to June 30, 2013 and shall be valid for a period of*~~

~~one year. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.~~

~~§ 204-7. - Amount of the exemption.~~

~~The amount of the exemption shall be determined by subtracting the value of construction per the building permit from the improvement assessment value following the new construction.~~

~~§ 204-8. - Application of the exemption and limitations.~~

~~The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.~~

~~§ 204-9. - Appeals.~~

~~An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.~~

~~§ 204-10. - Due date for payment of property taxes.~~

~~Property taxes shall be payable on or before September 30th of each year.~~

~~§ 204-11. - Penalties.~~

~~To every tax not paid after the said date established in § 204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in § 204-10 for the addition and collection of penalties.~~

RENUMBER:

ARTICLE II – Authority to exempt real property from taxation.

§ 204-6. The city council shall have the power to exempt real property located within the city from municipal property taxes when, in the opinion of the tax assessor, the same will best promote the public welfare. The city assessor shall be empowered to grant tax exemptions pursuant to 9 Del. C. § 8105 and 8110, upon receipt of an application to the City of Milford filed by the organization to establish its entitlement to such exemptions.

§ 204-7. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. § 8330 through 8337, inclusive.

ARTICLE III – Annual Tax Bill.

§204-8. The tax year shall run from October 1st through September 30th each year based on assessed values as of June 30th.

§ 204-9. Property taxes shall be payable on or before September 30th of each year.

§ 204-10. To every tax not paid after the said date established in 204-9, there shall be added and collected a penalty, for each month that said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in 204-9 for the addition and collection of penalties.

ARTICLE IV- Supplemental Assessments and Tax Bills

§204-11. Supplemental Assessment Required.

A. Changes, including zoning and construction, shall require reassessment of the property at its fair market value as of the date of the last citywide revaluation. A supplemental assessment will be determined for the amount of difference between the value stated on the regular assessment roll(s) and the new fair market value.

B. Supplemental tax bills shall be issued when there is an increase in taxable value caused by any change as stated in 204-11. More than one tax year may be affected by the increase in value, causing more than one supplemental bill to be issued. Even when a property has been sold, the original owner may be billed for any change in value relating to the dates of their ownership.

C. The increase in assessed value resulting from the reassessment is reflected in a prorated assessment that covers the period from the first day of the month following the supplemental event to the end of the fiscal year.

§204-12. - Assessment Appeals.

A. Appeal date deadlines

Appeal filing deadline (Annual billing) August 31st

Appeal filing deadline (October billing) November 30th

Appeal filing deadline (January billing) February 28th

Appeal filing deadline (April billing) May 31st

- 1. Right to appeal is lost if appellant has missed the designated appeal date.*
- 2. Appeals/refunds for errors or opinions of value from appellants will not be heard for prior years.*
- 3. The assessment as revised and adjusted by the board of assessment appeals shall be the listed value for the year under appeal and shall be the basis for the levy and collection of taxes for the city.*

He reported that Billing Supervisor Debbie Johnson, along with Christine Crouch, who currently handles the city's land records in house, have worked with Jeff Portmann and himself to develop this ordinance.

Mr. Rutt advised that he has not yet reviewed the ordinance but will provide some later comments.

At this time, the ordinance is for review and recommendations only. It is scheduled for introduction at the December 8th meeting.

Adjourn

With no further business, the Workshop Session adjourned at 8:10 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 24, 2014

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 24, 2014.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager Richard Carmean and Deputy City Clerk/ Recorder Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 8:10 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests present.

COMMUNICATIONS

Councilman Starling advised that his church is again providing approximately 400 Thanksgiving meals to those in need. In addition, Christmas meals will also be provided. He encouraged anyone willing to support their effort to contact him.

Mayor Shupe reminded council the Holiday Stroll in Downtown Milford will be Friday, December 5th. The city manager and mayor plan to have the new billing office at the former PNC building open to the public. That will allow our residents to see the improvements that have been done.

The mayor also noted the dog park has been a great success and commended Gary Emory for his vision and the successful completion of the project.

Mayor Shupe reported that the contractor started paving Southeast Front Street this week. It has been a long project but all the sidewalks have been replaced from Walnut Street to Rehoboth Boulevard. He is pleased they are in the final stages of paving. The city manager then confirmed the project will be completed by the end of November.

UNFINISHED BUSINESS

Introduction/Ordinance 2014-14/Chapter 165 Amendment/Parks and Recreation

Mayor Shupe introduced Ordinance 2014-14, explaining that throughout the year, the city receives a number of requests for alcohol waivers for special events throughout the city. The requests, including one from Downtown Milford's Farmers Market, located in the downtown park area, were granted waivers by council.

He explained that Ordinance 2014-10, entitled Parks and Recreation, was adopted to provide rules for the use of the city parks. The use of alcohol in city parks is currently banned by that particular ordinance. We have received a request for an event in one of our parks. After a great deal of consideration, the alcohol could be permitted during special events with the implementation of specific rules and approvals by the appropriate agencies in the State of Delaware as well as city

council.

He then referenced the proposed ordinance:

*Ordinance 2014-14
Chapter 165-Parks and Recreation*

WHEREAS, the Council of the City of Milford adopted Ordinance 2014-10, entitled Parks and Recreation, for the purpose of providing necessary regulations, conditions and requirements which shall be uniformly applied to the general use of city parks; and

WHEREAS, the Milford City Council desires to adopt revised rules governing the city parks; and

WHEREAS, the use of alcohol in city parks is currently banned by ordinance; and

WHEREAS, the City Council desires to amend the Parks and Recreation Ordinance to allow the use of alcohol on park property for a special event; and

WHEREAS, recognizing that special events enhance the quality of life for residents and visitors, as well as provide substantial economic benefits, it is deemed to be in the best interest of the City of Milford to allow alcoholic beverages in the parks with the proper approvals and by requiring event identifications; and

WHEREAS, a new Milford Dog Park opened on November 1, 2014 for the further use and enjoyment of the public; and

WHEREAS, the City Council desires to update its established rules regarding permissible and prohibited activities in the City Dog Park.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. An Ordinance to Amend Article II-Parks and Recreational Rental Rules and Regulations-of the Parks and Recreation Code of the City of Milford by adding an exception to the alcohol prohibition.

Section 2. §2.03(d) is hereby amended by adding (1)(a), (1)(b) and (1)(c) as stated below:

(d) No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.

(1) Exception.

- (a) Alcoholic beverages may be sold and consumed at special events in parks only upon application to and approval of the City Council and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.*
- (b) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.*
- (c) Alcoholic beverages are prohibited on city streets and sidewalks beyond the boundaries of the designated special event area as posted by the event organizer.*

Section 3. Article IV. Penalty for Violations. Article IV is hereby renumbered as Article V.

Section 4. Article IV. A new Article IV, entitled Milford Dog Park, is adopted as follows:

Article IV. Milford Dog Park

§4.01. There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).

§4.02. *As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:*

- (a) Park is open sunrise to sunset only.*
- (b) All dogs must be licensed and wear current license and vaccine tags.*
- (c) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.*
- (d) Dog owners/handlers are legally responsible for any damage caused by the dog.*
- (e) Dogs must be on a leash and under control at all times outside the fenced area.*
- (f) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).*
- (g) Only people with dogs are permitted in the fenced area.*
- (h) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.*
- (i) Excessive barking is prohibited; dogs barking excessively must be removed.*
- (j) Dogs exhibiting aggressive behavior are to be removed immediately.*
- (k) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may bring use old grocery sacks/bags.*
- (l) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.*
- (m) No human or dog food, including treats, are allowed in the park for any reason.*
- (n) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.*
- (o) Smoking is strictly prohibited in the park.*

§4.03. *Infraction of the rules as stated in §4.02 may result in temporary or permanent loss of park privileges. All other state and local laws apply.*

Section 5. Dates.

Introduction 11/24/14

Adoption (Projected) 12/08/14

Mayor Shupe noted that some form of identification will be required for individuals twenty-one years of age and older. In addition, a perimeter must be determined where alcohol will be restricted. In addition, approval is required from the State of Delaware.

Rules were also added for the new Dog Park that opened on November 1, 2014. Some of the rules are posted at the park, but need to be added to the Parks and Recreation Code to ensure everyone understands and is on board with what is required.

Mr. Grier confirmed the purpose of the alcohol exemption is to create more downtown activities and events; Mayor Shupe stated he has several organizations approach the city about such events. The latest request came from Downtown Milford, Incorporated, who are planning a Brewgrass Festival. The festival will have bluegrass bands and beer vendors who will provide beer to attendees twenty-one years and older.

Mr. Pikus then questioned whether the beer will be sold or given away. The city manager said that each event will be handled differently. From what he understands, a container will be provided to each attendee at the Brewgrass event. The participant will then go to each vendor who will provide them with beer. Mr. Pikus confirmed the vendors will be selling beer then; Mr. Carmean stated yes.

It was confirmed that other communities are having these type events in the form of a fundraiser.

Mr. Starling confirmed this will allow people to drink beer on a certain day but that person cannot return the next day and do the same thing. He feels this is sending mixed messages.

He recalled adopting an ordinance recently that prohibited alcohol in the parks even though P&R Director Gary Emory has never allowed alcohol in the parks. Because that ordinance was adopted, he does not think it is appropriate to allow alcohol at anytime in the park.

Mr. Grier compares this to Eat in the Street which he noted is a very successful event. In that situation, there is wine and beer served along with the food.

Mr. Starling reiterated that council passed an ordinance that prohibits alcohol in the park. Mr. Brooks pointed out that this does give the city some control. The applicant will have to come before council and explain their plans before it is approved. In addition, it is only allowed during a specific time and in a defined area.

Mayor Shupe agreed with Mr. Brooks stating it will only be allowed at a special event. Currently, any event involving alcohol, regardless of whether it is on city lands or on private lands, requires approval from the State of Delaware and city council approval. He referenced the beer tasting that was approved for the farmer's market this past summer.

Mr. Starling agreed that was approved but at the time, he did not think alcohol was prohibited by the ordinance. We now have an ordinance that states that alcohol is not allowed in the parks. Mayor Shupe reemphasized this would only be allowed at a special event, which time and place would need to be approved by council.

Mr. Starling is very concerned there may be a conflict because council is sending different messages. He would have a problem if someone was found drinking in a park and they were fined. But at the same time, that person could go to another park and legally drink.

City Solicitor Rutt stated that the organizer would obtain a special event permit issued by the Alcohol Beverage Control. He said the state could issue the permit in the park downtown or any other city park if that is where the activity was confined for a limited period of time.

Mr. Starling verified this will overrule what council previously approved; Mr. Grier noted that this will allow an exception or waiver only for a special event.

Mr. Morrow referenced an alcohol ordinance that prohibits drinking in public areas at anytime. That includes sidewalks, parking lots, streets, etc. However, someone can request an exception to that ordinance with the approval of council. Though alcohol is not permitted in the parks and recreation ordinance, this would allow an exception as is permitted with the alcohol ordinance.

Mr. Starling disagrees and feels this could be challenged. When council makes one rule and begins making exceptions, it becomes confusing. Mr. Rutt said the state could say it is allowed and issue the permit.

According to Mr. Rutt, the existing ordinance has language that states city council can grant an exemption for alcohol beverages. Mr. Starling confirmed that this ordinance states alcohol is not permitted in the parks; Mr. Rutt stated yes.

Mayor Shupe confirmed that there needs to be some sort of perimeter, identification of participants and state approval before the exemption is approved by council. He said that he left the identification requirement vague so the organizer can decide whether to use a stamp or wristband.

Mr. Pikus asked how this would prevent someone entering an event with alcohol purchased off site. Mayor Shupe said that could be a problem and that should be addressed in the ordinance. The intent is not to allow any person to enter with their own alcoholic beverage but to acquire the alcohol being provided by the organizer.

Mr. Mergner also recommends adding a requirement that the container be made of plastic and no glass cups or bottles be allowed.

City Solicitor Rutt referenced Code 77 related to Alcoholic Beverages that allows alcoholic beverages be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council.

Mr. Pikus said that is in this ordinance; Mr. Rutt said that is in the existing ordinance. Mr. Morrow asked if we are only tweaking that ordinance; Mr. Rutt stated yes.

Mayor Shupe then stressed that we are adding that language to the parks and recreation ordinance that currently prohibits alcohol in the parks only. That prevents two ordinances with two different rules

Mr. Starling asked if the ordinance that Mr. Rutt is referring to is the one related to city parks; Mr. Rutt then stated that 77-1 states that it shall be unlawful for any person to consume any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the above stated areas within the municipal boundaries of the City of Milford.

Mr. Rutt then reiterated that it also states that alcoholic beverages can be sold and consumed at special events or gatherings in public places, upon application to and approval of the city council. Therefore, there is an exemption in the ordinance already.

Mr. Pikus confirmed that the area must be a designated area. Mr. Rutt states yes, Bicentennial Park or Library Square for example. Mr. Mergner feels that there must also be a confined area within the park where alcohol will be sold and consumed instead of the entire park. He recommends it be identified with a fence, tape or something similar. Otherwise, it could become a problem.

Mr. Starling said he understands, but is concerned we are sending mixed messages that will confuse people.

Mayor Shupe advised this is the result of a recent request though council did approve a beer tasting at the Farmer's Market which took place in the park area.

Mr. Pikus asked if the request is to use a certain area of a park. Mayor Shupe explained that under the new ordinance, the organizer will have to identify the area and perimeter with some type of marking. They will need to decide whether a temporary fence, rope or other material to use. Mr. Carmean recommends the city will then need to come in and approve the area before council approves it.

Mayor Shupe then asked if council feels there are any other rules that should be added.

Mr. Pikus wants to make sure the city is protected in these situations and agrees we do not want to send the wrong message that people are allowed to drink in our parks.

Mayor Shupe also recommends adding a requirement that the area must be cleaned up by the organizer at the completion of the event.

Mr. Mergner asked who would oversee and make sure the area is set up appropriately and cleaned up. Mr. Carmean said that would be the responsibility of parks and recreation. Mr. Mergner wants to make sure that everything is in place to prevent any problems after an event begins. He noted it would be difficult to address this once the event begins and a large number of people are present. He recommends the parks and recreation director sign off at the site prior to the start of the event.

Mr. Grier also agrees it is important the organizer is required to clean up the area to its original condition and to prevent any disasters the next day.

City Manager Carmean also recommends a security deposit be required. If the cleanup is not done, that money will be used to pay the expenses of city crews taking care of it.

Mr. Mergner also suggests that portable toilets be mandated at events where alcohol is being sold. Those costs would be the responsibility of the organizer. He feels if that is not done, our parks could end up being damaged.

Mr. Pikus agreed the organizer should be responsible for the cost of the portable toilets and any maintenance involved.

Mayor Shupe agrees and stated that those items will be added. He asked council to contact either himself or the city clerk with any other items needed to ensure everything is covered for the protection of the city.

Adoption/Ordinance 2014-15/Chapter 193 Amendment/Solid Waste Management

Mayor Shupe advised an amendment is needed to the Solid Waste Management Code Amendment to change yard waste collection from a restricted number of months each year to a full year. It will continue to be picked on an every-other-week basis as is done with recycling.

Mr. Pikus noted that the solid waste budget is dwindling and an increase in fees will need to be considered in the next budget year.

Mr. Pikus moved to adopt Ordinance 2014-15, seconded by Mr. Grier:

*Ordinance 2014-15
Chapter 193-Solid Waste Management*

AN ORDINANCE APPROVING AN AMENDMENT TO ARTICLE III YARD WASTE OF CHAPTER 193 SOLID WASTE MANAGEMENT OF THE CODE OF THE CITY OF MILFORD.

WHEREAS, the City of Milford, mindful of its responsibilities to protect and maintain the public health, safety and welfare of its residents, provides for the collection of solid waste materials; and

WHEREAS, the City currently limits yard waste collection beginning on April 1st and ending October 31st of each year; and

WHEREAS, the City is willing to provide yard waste collection on an every-other-week basis as a year-round service to its solid waste customers; and

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by removing the time limitation for yard waste collection and changing it to a year-round service.

Section 2. Article III Yard Waste, Section 193-14A, Collection Procedures is hereby amended to read as follows:

ARTICLE III YARD WASTE

193-14. Collection Procedures

A. The city will ~~provide for the collection of~~ collect yard waste, ~~from April 1 through October 31 of each year~~, provided that such yard waste is deposited into the yard waste containers issued by the city. Disposal of yard waste that will not fit into the container shall be the responsibility of the property owner.

Section 3. Article III Yard Waste, Section 193-15A and Section 193-15B, Collection & Rate Schedule is hereby amended to read as follows:

193-15. Collection & Rate Schedule.

A. The City will collect yard waste as described in Section 193-~~10A~~ 14A once every other week.

B. The loose leaf curbside collection as described in Section 193-~~10A~~ 14B will be collected once each week.

Section 4. Dates

*Adopted November 24, 2014
Effective December 4, 2014*

Motion carried.

Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management

Changes in recent laws have required government agencies to amend their flood damage prevention rules and regulations to be compliant. As a result, Chapter 130 will be repealed and replaced with a new Chapter 130. A riparian buffer standard will be developed for building setbacks along the Mispillion River and other waterways. In addition, commercial structures outside of the floodplain must be delineated to ensure those sites remain open space in perpetuity.

The city manager stated that Mr. Rutt advised him he wanted to look the ordinance over and compare it to Kent and Sussex Counties ordinances to prevent any problems with future buildings.

Mr. Rutt recalled when former City Planner Gary Norris sent him a draft of the ordinance in August 2012. He has seen nothing since and the next time he saw the ordinance was in the packet this past weekend.

Because he has not seen the revised version, which he found to be significantly different from the 2012 draft, he wants to take sometime to compare the two counties to Milford's ordinance to prevent any conflict.

Mr. Pikus moved to postpone action on Ordinance 2014-16, seconded by Mr. Brooks:

ORDINANCE NO. 2014-16

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AMENDING THE CITY OF MILFORD CODE OF ORDINANCES TO REPEAL CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT A NEW CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Milford has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Milford and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Milford was accepted for participation in the National Flood Insurance Program on June 1, 1977 and the City Council of the City of Milford desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Milford, Delaware, that the following floodplain management regulations are hereby adopted.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

SECTION 1. This ordinance specifically repeals and replaces Chapter 130 Floodplain Management with amendments to the following:

ARTICLE I - GENERAL PROVISIONS

- § 130-1. Findings.
- § 130-2. Statement of Purpose.
- § 130-3. Areas to Which These Regulations Apply.
- § 130-4. Basis for Establishing Special Flood Hazard Areas.
- § 130-5. Abrogation and Greater Restrictions.
- § 130-6. Interpretation.
- § 130-7. Warning and Disclaimer of Liability.
- § 130-8. Severability.

ARTICLE II - DEFINITIONS

- § 130-9. Definitions.

ARTICLE III - ADMINISTRATION

- § 130-10. Designation of the Floodplain Administrator.
- § 130-11. Duties and Responsibilities of the Floodplain Administrator.
- § 130-12. Permits Required.
- § 130-13. Application Required.
- § 130-14. Review, Approval or Disapproval.
- § 130-15. Inspections.
- § 130-16. Submissions Required Prior to Issuance of a Certificate of Occupancy.
- § 130-17. Flood Insurance Rate Map Use and Interpretation.

ARTICLE IV - REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

- § 130-18. Application of Requirements.
- § 130-19. Subdivisions and Developments.
- § 130-20. Protection of Water Supply and Sanitary Sewage Systems.
- § 130-21. Buildings and Structures.
- § 130-22. Fill.
- § 130-23. Historic Structures.
- § 130-24. Recreational Vehicles.
- § 130-25. Gas or Liquid Storage Tanks.

ARTICLE V - SPECIFIC REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS

- § 130-26. General Requirements.
- § 130-27. Residential Structures and Residential Portions of Mixed Use Structures.
- § 130-28. Nonresidential Structures and Nonresidential Portions of Mixed Use Structures.
- § 130-29. Accessory Structures.
- § 130-30. Protection of Flood-Carrying Capacity.

ARTICLE VI - VARIANCES

- § 130-31. Variances.

ARTICLE VII - ENFORCEMENT

- § 130-32. Compliance Required.
- § 130-33. Notice of Violation.
- § 130-34. Violations and Penalties.

SECTION 3. APPLICABILITY.

SECTION 4. REPEALER.

SECTION 5. DATES.

Introduction: 11-10-2014

Adoption:

City Inspector Don Williams then provided an overview of the ordinance.

Mr. Williams stated that this ordinance is in response to Senate Bill 64. As a result of FEMA updating floodplain maps in Delaware this year, all municipalities in Delaware are required to participate in the National Flood Insurance Program by updating floodplain language to comply with the National Floodplain Insurance Program requirements.

To assist in this endeavor, DNREC developed four model floodplain ordinances to help coastal and non-coastal communities. DNREC is suggesting higher floodplain standards as a way to reduce flood damage and lower flood insurance premiums.

Mr. Williams reported the ordinance was developed with the assistance of NFIP State Coordinator and Certified DNREC Floodplain Manager Greg Williams. The DNREC Secretary has also reviewed the ordinance and made some changes. In addition, Mr. Williams has been working with the consulting firm hired to ensure all ordinances are in compliance.

He also conferred with Former City Planner Gary Norris who is more familiar with the floodplain issues. Mr. Norris also tweaked the ordinance.

The final draft was sent back to Greg Williams for his final review.

The building inspector explained that Milford was using the standard of 12 inches of freeboard, which means 12 inches above the floodplain. Mr. Williams recommends the city increase to 18 inches which means 2 feet and saves 64% on insurance versus the 49%.

He confirmed this has been reviewed by all required agencies including DNREC. All ordinances must be effective by March 16, 2015.

Mr. Rutt confirmed that every town in Sussex County except Greenwood and Delmar had to amend their floodplain ordinance.

Mr. Williams reiterated that the big change is the increase from 12 inches of freeboard to 18 inches. He feels there will be little impact on existing buildings though when the Warren Furniture building is demolished, they are a foot below the floodplain and will have to rebuild 2½ to 3 feet higher. However, if it is renovated as it currently exists, he will be required to add some floodgates.

Motion then carried with no one opposed.

Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction

Building Inspector Don Williams explained that the changes to Chapter 88 affect two areas in the building code.

References to Chapter 130, regarding floodplain management, were made to the following sections:

Ordinance 2014-17
Chapter 88-Building Construction

WHEREAS, the City of Milford deems it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures; and

WHEREAS, the City stipulates the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, the City requires the condemnation of buildings and structures unfit for human occupancy and use and the

demolition of such structures are herein provided; and

WHEREAS, the City calls for the issuance of permits and collection of fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 88 entitled Building Construction.

Section 2. Article 1-International Residential Code, 88-2-Additions, Insertions and Changes is hereby amended as follows:

C. Chapter 3 Building Planning

1. TABLE R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed d (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temperature	Ice Barrier Underlayment Required	Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
			Weathering	Frost Line Depth b	Termite					
25	100	A	SEVERE	24 INCHES	MOD-HEAVY	14	NO	ADOPTED: 07/14/78 CURRENT: 01/06/05 See Chapter 130 Floodplain Management	368	55.7F

Section 3. Article II-International Building Code, 88-4.-Additions, Insertions and Changes is hereby amended as follows:

P. Chapter 16, Structural Design.

161.2.3 1612.3. Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, acres of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Milford," dated June 16, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Flood hazard areas are established by Chapter 130, Floodplain Management.

Section 4. Dates.

Introduction 11-10-2014

Adoption

Effective

To prevent changing the data each time the floodplain maps change, he is referencing Chapter 130 in both sections.

City Manager Carmean recommended this be postponed and adopt at the time Ordinance 2015-16 (Chapter 130) is approved.

Mr. Pikus moved to postpone action on Ordinance 2014-17 until the next meeting, seconded by Mr. Brooks. Motion carried.

Introduction/Ordinance 2014-13/Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities

Mayor Shupe reported this ordinance was initiated by Councilman Pikus after some complaints were received from

people using our parks. It has been reviewed by the Community Affairs and Parks and Recreation Committee. It was last reviewed by the Police Committee whose minutes are included in the packet.

Mr. Morrow introduced the ordinance stating that the Police Committee met last Tuesday and thoroughly reviewed the ordinance section by section. Some minor changes were made and definitions have been added as a result.

ORDINANCE 2014-13

Chapter 190-Smoking Prohibited in City Parks, Building and Facilities

AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and

WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and

WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and

WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and

WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definitions.

§ 190-2 Smoking prohibited.

§ 190-3 Park Conditions.

§ 190-4 Enforcement and Civil Penalties.

§ 190-5 Payment.

§ 190-6 Procedure to Contest a Violation.

§ 190-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Building: Free-standing structure enclosed by a floor, ceiling and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows.

Open-Air Facility: Structure that is not fully enclosed but may be partially enclosed (for example, structures with open sides).

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

Smoking: The combustion in any cigar, cigarette, pipe, or any other similar article or any device, of tobacco or other combustible substance.

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or tobacco like products in any manner or form.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park*
- b. Bicentennial Park*
- c. Marshall Pond Park*
- d. Marvel Square Park*
- e. Memorial Park South*
- f. Tony Silicato Memorial Park*
- g. Library Square*
- h. Milford Library Amphitheater*
- I. Goat Island*
- j. Mispillion Riverwalk*
- k. Milford Dog Park*

(B) Smoking is prohibited at all parks and playground areas owned by the city and open to the public.

(1) Exception.

- a. Land owned by the City of Milford and used by Milford Little League.
Policy will be established and enforced by Milford Little League Board of Directors and/or designee.*

(C) Smoking is prohibited in a building or open-air facility owned, leased or operated by the City of Milford.

§ 190-3 Park Conditions.

A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.

§ 190-4 Enforcement and Civil Penalties.

(A) The Milford Police Department shall enforce this chapter.

(B) Any person observed violating this chapter who has not been issued a written warning, shall be issued a verbal warning for a first offense.

(C) Any person who has received a written warning and is observed violating this chapter, shall be subject to a civil penalty of \$25 beginning with the second violation and not less than \$50 for each subsequent violation.

(D) Milford Police Officers, City Code Officials and the Parks and Recreation Director shall have the authority to eject

from a park facility any person observed violating this chapter.

(E) The name of any person issued a verbal warning shall be immediately reported to the Milford Police Department.

§190-5 Payment.

All payments for civil penalties received under this chapter shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.

§190-6 Procedure to Contest a Violation.

Persons who wish to contest the validity of a smoking violation under this chapter may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

Section 3. Dates.

Introduction: 11/24/2014

Adoption: 12/08/2014

Adoption is scheduled at the next meeting of council.

Security System Proposals/City Hall

Advantech Proposal

City Manager Carmean recalled the Advantech Camera Security and Delaware Electric Signal Panel Proposals presented at the November 10th meeting.

At that time, Mr. Carmean noted that Councilman Mergner asked if we had obtained additional proposals. He only considered Advantech because it would be appropriate to use the same company the police department uses. When thinking about getting some additional proposals, he discussed the matter with City Solicitor Rutt who agreed there was a problem because the Advantech proposal was already public.

Mr. Rutt then added that the city is not obligated to bid the work because it is below \$30,000. He pointed out that because Advantech is already working with the city and the staff is comfortable with them, he feels that council should approve their proposal. This is an administrative purchase and there could be additional costs associated with the proposal because an engineering firm would have to be hired to write and provide specifications. Potentially, it could cost the city a great deal more money.

Mr. Carmean recalled there was a great deal of concern about security at city hall by council. He knew that Chief Hudson had been working with Advantech and his department was very pleased with their work. He added that the fees associated with the contract would be paid out of the general fund reserves.

Mr. Pikus said based on the city solicitor's comments, he moved to accept the Advantech proposal as presented, seconded by Mr. Morrow. Motion carried.

Mr. Pikus moved the Advantech proposal be paid from the General Fund Reserves, as recommended by the city manager, seconded by Mr. Starling. Motion carried.

Delaware Electric Signal Proposal

Mr. Carmean reported that Delaware Electric Signal is the current carrier of our alarm system and he recommends we proceed with this proposal as well.

Mr. Pikus asked how quickly these buttons can be installed, Mr. Carmean said very quickly. Mr. Pikus said that is very

important. Mr. Carmean noted that we currently have an alarm system though our employees would have to get to it to set it off.

Mr. Brooks moved to approve the Delaware Electric Signal Proposal in the amount of \$970, to be paid from General Fund Reserves, seconded by Mr. Morrow. Motion carried.

NEW BUSINESS

Davis, Bowen and Friedel Test Well Services - SE Milford Water System Expansion Project/Wickersham Site

DBF Engineer Erik Retzlaff advised the Southeast Water System Expansion includes the water tower and one production well. The construction of the elevated storage tank is underway and the construction of the associated water main extension and production well are complete with only closeout paperwork needed. He said we are in the process of bidding out the design of the water treatment facility. The first well drilled was not a huge producer though it did meet our current needs. Because the city has invested a significant amount of money to build a water treatment facility on the site, they are recommending another test well be constructed to ensure the correct location to add a new well five years from now when the demand increases.

He confirmed this is a cautionary move they recommend before the city invests a significant amount of money at the treatment facility and storage tank site.

Mr. Retzlaff confirmed this will be in the same location as the first well, but will be at a different depth.

Mr. Pikus was under the impression at the time this well was drilled, it would be sufficient for future development. Mr. Retzlaff advised the current production well produces about 140 gallons. He explained that southern Milford is the cusp of where water somewhat starts to disappear. The confined aquifers do not extend much further south of Milford. The majority of the municipalities in Eastern Sussex County only have production wells in the unconfined, groundwater aquifer because they do not have access to any of the confined aquifers.

Initially, Mr. Retzlaff reported there was a test well installed north of Wilkins Road which was a larger producer than what is occurring further south where water disappears as it migrates out.

Mr. Brooks asked how far this is to the next closest well, Mr. Retzlaff estimates approximately 2,500 feet. He noted that the initial test well on the Hall property could also be seen from the other test well.

When asked the depth, Mr. Retzlaff said it is screened in the interval of about 330 to 370 feet.

He said the reason they are recommending a higher screened area is because of the production capacities of the remaining wells and the tower. The highest of the confined aquifer is about 275 to 290 feet. They feel it is prudent to ensure there is water before the city spends \$750,000 to \$1 million for water treatment.

Mr. Retzlaff said because it is an unanticipated cost for the city, DBF is waiving their fees. They have contracted with AC Schultes to install the test well. The cost for their work will be \$34,270 with no engineering fees.

Mr. Mergner confirmed this was part of the initial Southeast Milford Water project; Mr. Retzlaff said yes but they want to ensure the additional production capacity is available for the future installation of a supplementary production well in order to meet the city's future demands.

Mr. Pikus asked what happens if this is not successful. Mr. Retzlaff said there are ways to handle it. He said the water being pumped from the ground will need to go somewhere to be treated before it enters the distribution system though it does not have to be at this location. The treatment plant can still be placed at another location though the water will have to be pumped somewhat further. It was confirmed there would be additional costs if that were the case.

Mr. Retzlaff reported the initial test boring went down over 650 feet and four different formations were detected. However, they cannot guarantee how much water can be pulled from the different formations until the area is screened

and pumped which is further investigatory work.

Mr. Mergner referenced the \$30,000 bid requirement and asked if the Schultes proposal is subject to be bid. Mr. Retzlaff said that AC Schultes is the most qualified well driller that can handle a project of this size and capacity. He would be cautious to have another contractor do this work.

Mr. Pikus advised that AC Schultes has been doing this work for years in the city. Mr. Mergner said that is exactly the reason the numbers sometimes need to be considered. He feels if a business becomes comfortable getting the job and the price is not shopped, we simply pay what is on the invoice without question. He reiterated the \$30,000 threshold discussed earlier, noting this is \$34,000 that he felt should have been bid. Mr. Pikus agreed we may need to do that.

Mr. Retzlaff explained that the \$30,000 threshold is related to construction projects and this is investigatory. He added that because this is investigatory, it falls under DBF as a professional service which is exempt from the threshold.

Mr. Carmean said it falls under the contractual category which is also exempt from the \$30,000 requirement.

Mr. Brooks asked who is the next closest contractor that does this work; Mr. Retzlaff said UniTech out of northwestern New Jersey or Layne Christensen out of Quakertown, Pennsylvania. He emphasized there are plenty of well drillers in this area but none that can handle a project of this size and magnitude.

Mr. Carmean then stated that the city has a working relationship with AC Schultes.

Mr. Retzlaff noted this is lower than their initial estimate because he negotiated with them.

He said the drilling of the well behind city hall and the Southeast well projects were both bid. UniTech bid on those jobs though AC Schultes was the low bidder because of the mobilization costs associated with the other contractors. AC Schultes is also familiar with the water formations here; someone coming from another state is not.

Mr. Gleysteen then stated that regardless, whether \$30,000 is spent on contractual services or on any work really does not make a difference to him. It is still over the \$30,000 threshold. He feels there is no rush to drill the test well. In his opinion, we need a second proposal and we have the time to do it.

Mr. Carmean said that would involve at least an additional two months because of the advertising, pre-bid meetings and bid meeting.

Mr. Pikus said we already have one bid which is \$34,270. Mr. Retzlaff explained that he asked them to give him a number to do the test well and now another company could come in with a bid of \$34,000.

Mr. Mergner then recalled the city solicitor saying we cannot consider another bid once the first proposal has been made public. Mr. Rutt said the proposal has been discussed and it is part of the packet so it is now a public record. If that were to occur, Schultes could come in and say it is unfair considering their number was publicly discussed.

Mr. Gleysteen feels that in that situation, AC Schultes would also have the opportunity to rebid.

Mr. Pikus then moved to approve the DBF proposal in the amount of \$34,270, seconded by Mr. Starling. Motion carried with no one opposed.

FY 2014-2015 Budget Adjustment/SE Second Street Pump Station Improvements/Sewer Reserves

Erik Retzlaff recalled that during the previous fiscal year, council budgeted \$45,000 to make some minor improvements to the Southeast Second Street Pumping Station. He explained the pump station is old and needs some work including a new pump controller, valves and existing valves and access hatch repaired.

Due to some unanticipated repairs, additional pavement restoration and traffic control measures, additional funding is

needed to replace the hatch. The cost, based on contractors' estimates and the cost associated with the public works staff is approximately \$7,500 more than was budgeted. His recommendation is to transfer \$10,000 to ensure the work can be completed without an additional budget adjustment.

Mr. Brooks moved for the approval of \$10,000 from Sewer Reserves to the Southeast Second Street Pump Station Improvements Project, seconded by Mr. Morrow. Motion carried.

FY 2014-2015 Budget Adjustment/Reisinger Contract/Change Order 2/Billing Office-PNC Building

Change Order #2 consists of the following work as proposed by the contractor:

We are writing you at this time to submit our cost for additional work as per your request. The work is to include the deletion of the VCT in the three restrooms on the first floor and the installation of ceramic tile in the restrooms with 6" ceramic tile base. We have also included the installation of new VCT in the IT Room with vinyl base, including floor preparation.

Materials	\$40.00
Labor IT Room Floor Prep	\$142.00
Credit for VCT in Rooms 104, 105 & 107	-\$368.00
New Ceramic Tile for Rooms 104, 105 & 107	\$3,057.00
New VCT & Base for IT Room	\$333.00
Supervision	\$120.00
<u>Subtotal</u>	<u>\$3,324.00</u>
GC OH 10%	\$332.40
GC Profit 5%	\$182.82
<u>TOTAL</u>	<u>\$3,839.22</u>

We are writing you at this time to submit our cost for additional work as per your request. The work is to include adding a transom light above the front entry door. The transom is to be a fixed insulated panel in Dark bronze to match the frame. The new door location will shift out approximately 6" to the stone surround and the concrete will be ground to accommodate for this with the new flooring at the interior.

Materials	\$550.00
Labor	\$528.00
Supervision	\$35.00
<u>Subtotal</u>	<u>\$1,113.00</u>
GC OH 10%	\$111.30
GC Profit 5%	\$61.22
<u>TOTAL</u>	<u>\$1,285.52</u>

We are writing you at this time to submit our additional cost as per your request. The work is to include providing a new Aluminum storefront window in 8' high watt, reframe the metal studs, install wood casing and paint new wood work.

Window to be fixed with anneal glass, aluminum to be dark bronze.

Materials	\$725.00
Labor	\$660.00
Painting Subcontractor Cost	\$75.00
Supervision	\$60.00
<u>Subtotal</u>	<u>\$1,520.00</u>
GC OH 10%	\$152.00
GC Profit 5%	\$83.60
<u>TOTAL</u>	<u>\$1,755.60</u>

We are writing you at this time to submit our additional cost for additional demo as performed at the above mentioned project. This work included the additional demo of block walls at the entrance vestibule, bathrooms and conference room. Demolition of the mud set tile base in the bathrooms and pouring of a new concrete topping slab. Our cost for this work is as stated below:

Subcontractor's Materials	\$425.76
Subcontractor's Labor	\$3,358.58
Supervision	\$60.00
<u>Subtotal</u>	<u>\$3,844.34</u>
GC OH 10%	\$384.43
GC Profit 5%	\$211.44
<u>TOTAL</u>	<u>\$4,440.21</u>

We are writing you at this time to submit our additional cost for additional work as per your request. The work was to include the additional structural framing at the conference room, bulkhead framing, new low wall behind teller counter and a new SAT ceiling in the conference room with insulation above. Our cost for this work is as stated below:

Framing Subcontractor's Materials	\$1,266.22
Framing Subcontractor's Labor	\$3,727.41
Ceiling Subcontractor	\$796.00
Supervision	\$40.00
<u>Subtotal</u>	<u>\$5,829.63</u>
GC OH 10%	\$582.96
GC Profit 5%	\$320.63
<u>TOTAL</u>	<u>\$6,733.22</u>

Mr. Carmean explained that the original plans included a vinyl floor in the public restrooms. However, he does not

believe that is the best way to go so the contract was changed to add a ceramic tile floor. The vinyl floor was then put in the IT room because there would be less foot traffic there. In addition, the vinyl is easier to clean than the ceramic tile.

The next change was to add a transom light above the front door. The door was moved six inches in to align with the concrete block and height of the changed flooring.

The third change involves the addition of a new storefront window in the new wall that separates some of the work area from the lobby. The window allows our employees to see customers in the lobby area.

The next change was a result of the demolition of the block walls in the vestibule, bathrooms and conference room. The tile base in the bathroom was also removed and new concrete added for the ceramic floors.

He reported that the last change was to add framing for a conference room, a new wall behind the teller counter and a new SAT ceiling in a conference room.

This change order totals \$18,053.77.

Mr. Pikus moved to transfer \$18,053.77 out of electric reserves to cover the cost of the Reisinger Change Order Number 2 for the new billing office, seconded by Mr. Gleysteen. Motion carried.

Mr. Carmean then noted the original contract was \$317,000 and we are currently at \$348,014.03 which he feels is very reasonable considering the unknowns you face when renovating a building of this age.

FY 2014-2015 Budget Adjustment/VoiceNet Communications/Telephone System/Billing Office-PNC Building

The city manager explained this budget adjustment is needed to cover the cost of the new telephone system for the new billing office. This equipment was chosen because it interfaces with our present phone system. The cost of the proposal is \$5,511.30 which includes eight digital telephones and provides room for three additional phones. This proposal covers equipment, installation, and programming labor.

Mr. Pikus moved to approve the transfer of \$5,511.30 out of electric reserves for the VoiceNet Communications proposal in the amount of \$5,511.30 for a new telephone system at the renovated billing office, seconded by Mr. Morrow.

Mr. Pikus then stated that we are still well below what we would have paid for a new building. Mr. Carmean agreed adding it was estimated at \$2 million at the time of the 2008 referendum; Mr. Pikus agreed that we have paid only a little more than half when compared to the cost of a new building.

Motion carried.

Acceptance/City of Milford Audit FY 2013-2014

Mayor Shupe reported that after the annual audit is complete, the city charter requires a vote of council to accept the audit.

Finance Chairman Pikus suggested council review pages five and six of the audit which explains why we are in good financial condition.

Mr. Pikus moved to accept the Fiscal Year 2013-2014 City of Milford Audit, as completed, seconded by Mr. Starling. Motion carried.

EXECUTIVE SESSION

Mr. Pikus moved to go into Executive Session reference a personnel matter and strategy session, seconded by Mr. Starling. Motion carried.

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

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

Mayor Shupe recessed the Council Meeting at 9:09 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 10:08 p.m.

FY 2014-2015 Budget Adjustment (P&R Personnel)

Mr. Pikus moved to approve the first item as discussed, seconded by Mr. Starling. Motion carried.

Easement Issue

Mr. Pikus moved that no change be made on this issue, seconded by Mr. Gleysteen. Motion carried.

Union Contract

Mr. Pikus moved that the union contract issue be transferred to the Police Committee for discussion in Executive Session on Tuesday, December 2, 2014, seconded by Mr. Grier. Motion carried.

ADJOURN

With no further business, Mayor Shupe adjourned the Council Meeting at 10:11 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder