

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 23, 2017

The City Council of the City of Milford met in Workshop Session on Monday, January 23, 2017 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr., James Starling Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Council Workshop to order at 6:03 p.m.

*Smart Metering Project*

City Manager Norenberg reported that for several years, the City of Milford has considered moving to a Smart Metering Program. Since March, he has been working on a project with DEMEC and American Municipal Power (AMP) to do a hybrid advanced metering program that involves an integrated system of smart meters, communication networks and data management systems that enables two-way communication between our utilities and customers.

In attendance were AMP's Chief Technology Officer Jared Price and AMI (Advanced Metering Infrastructure) Program Manager George Bjelovuk. It was noted that Chief Information Officer Brandon Kelly was unable to attend.

Also in attendance was DEMEC's Vice President of Finance Lou Vitola.

Mr. Price then discussed the various drivers for Milford to join the AMP/AMI Program. Upgrades to the metering environment are a budgeted improvement to the City's utility operations, improvements are needed to the existing and older and no longer supported ITRON system and AMI will provide a foundation for smart city infrastructure that will result in better overall service to Milford's electric and water utility customers.

AMI enhances utility operations through data, does better analysis, improves system loss improvements and enhances and improves outage response. Partnering with AMP and DEMEC allows Milford to take advantage of the due diligence via an RFI/RFP where a number of vendors were considered and a consulting firm chosen. The collaborative effort with other AMP and DEMEC Members provides a true joint action technology service.

He then provided some background on AMP stating that in 1971, AMP was formed as "not-for-profit" corporation under Ohio Revised Code Chapter 1702. In 1996, there was a Private Letter Ruling permitting financing on behalf of its Members which led AMP to provide tax-exempt financing for a lot of generating facilities utilizing fossil fuel, hydroelectric, wind and other renewable resources.

The wholesale power supplier provides service to its 135 members in the states of Ohio, Pennsylvania, Michigan, Virginia, Kentucky, West Virginia, Indiana, Maryland and Delaware (DEMEC's nine members). They also operate within two Regional Transmission Authorities---Midcontinent Independent System Operator, Incorporated and PJM Interconnection, LLC.

AMP is owned and governed by its 135 Members in the nine states. Each State or Joint Action Agency with five or more members is guaranteed a board seat of which Delaware Municipal Electric Corporation's President/CEO is a board member and heavily involved in this program.

Mr. Price explained that what differentiates AMP from a traditional vendor is that the ownership by DEMEC and Milford

allows transparency of what is done financially and operationally throughout the process. AMP's strength is the joint action that provides a stronger voice in the industry and bigger buying power in the marketplace. They are a project-based organization and members can choose to subscribe to projects of their choice. Their cornerstone is their financial strength which includes a \$750 million to \$1 billion line of credit that provides support for these major projects.

Mr. Price then discussed technology enablement which allows its members to have the power of scale in delivery of technology services. The goal is to allow its members to have affordable and achievable technologies while eliminating the complexity of those IT systems themselves.

He recalled that on March 28, 2016, a presentation was provided by Mr. Bjelovuk to City Council after which a letter of intent was authorized. At that time, he discussed the challenges of on-premise versus vendor solutions. Many of their members have a limited ability to explore the AMI marketplace and some engage an outside consulting firm for assistance. There is a lot of reliance on vendors/distributors who often end up driving the strategic direction versus the municipality driving their own direction and technology. Many of the technology investment capital budget items end in rigid or inflexible application suites.

He then recapped the RFI and RFP process followed prior to AMP selected Silver Spring Networks and ElectSolve as Vendor/Partners for the Advanced Metering Program.

The Silver Spring Network was selected for its superior AMI communications network and strong focus on availability and cyber security. The network will be monitored by SSN's Network Operations Center 7x24x365. They are not a metering manufacturer and provide a network that works with multiple major manufacturers. The goal is to build and invest in the network one time, though the Silver Spring Network provides a foundation that enables the deployment of future smart grid and smart city services such as street lighting control or distribution automation.

ElectSolve was selected by AMP to provide meter data management (MDM) and back office integration services for AMP's. They have extensive experience working with municipal utility systems and billing integrations.

AMP's Board approved the program and executed contracts with these vendors in June 2016.

Mr. Price discussed the specifics of Milford's system. They will deploy a Silver Spring wireless network that consists of access points, repeaters, water meters, water meter modules and electric meters. Silver Spring will collect the data from the network over secure connections into an AMI head-end. That network will be monitored 24/7 backing that availability through an SLA guarantee. That will be securely transferred to AMP who will manage the application suite (utility customer portal). The portfolio includes integration to the City's billing system.

He said this is part of AMP's \$2.5 million in technology investments their Board authorized in IT infrastructure, security components, data storage capacity, data storage, licensing and dedicated staff that includes a Program Manager and AMI Operator to run and manage the overall program.

AMP's Board also committed over \$1 million in research and development for the 10-year program. Their initial goal is 200,000 meters though the board pledged an additional \$5 million in support.

Included in the operational and capital costs is the initial investment in technology and back office equipment, a capital equipment refresh at year five, support costs, hosting charges, monitoring costs, program labor and management.

Mr. Price then talked about the AMP value proposition in comparison to other programs. It includes a complete meter to the data center process for Milford with a fully managed primary and disaster recovery center. That would be followed up with annual disaster recover and failover testing as well as full integration and ongoing support of Milford's CIS system. A utility portal for operations staff, additional modules, cyber security, intrusion prevention, data encryption and network monitoring 24x7x365, backed by Service Level Agreements provide 99.5% read reliability for electric meters and 99% read reliability for water meters. Operational costs were added to cover future operational upgrades.

There is no meter vendor lock in and the Silver Spring network allows the choice of major meter manufacturers.

Collaborative procurement enables economies-of-scale and provides the best value when purchasing meters and network equipment to member municipalities.

The AMI Program Manager will assist Milford with business case development, presentations on the program, responses to any issues, coordinating member training, and managing communications between the member, AMP and vendor/partners.

The AMI operator will provide day-to-day support by coordinating event reporting, scheduling and coordinating distribution of system work flows and reports. The operator will also assist with problem resolution and serve as an escalation point for any system problems.

Mr. Bjelovuk then discussed details of the AMI project. He recalled the non-binding letter provided by Milford in April that kicked off the project and provided the opportunity to engage AMP's vendors and Milford staff to design a system to best meet the City's needs.

This past September 7<sup>th</sup> and 8<sup>th</sup>, AMP brought Silver Spring Networks and ElectSolve representatives to meet with City staff. They drove the entire City to ensure the locations designed on paper were adequate in addition to confirming the poles that will be used for the equipment would work.

On the second day, a kickoff session was held to announce their expectations. An in-depth discussion was held with the City's Electric and Water Departments on how metering is currently handled and which meters would be replaced as part of the program. They also met with the Electric Personnel to understand how the SCADA system works. City Staff reviewed the available applications in the ElectSolve portfolio and how it would fit in with how the utility operates.

They had an in-depth conversation with the City's Billing Staff with regard to current billing practices and the meter/route/cycle format to ensure the meter to cash process can be duplicated and enhanced capabilities provided if desired.

They discussed on how to securely maintain and protect the equipment that will be stored temporarily before it is installed in the field, as well a how to handle the material that will be recovered.

Additional time was spent with City IT Staff to ensure the proper firewalls are in place and adequate internet connections meet their requirements.

That information was compiled to provide the scope and price of the project.

Mr. Bjelovuk then discussed the Milford program noting that the City will incur a one-time cost. All electric meters will be replaced with GE Aclara meters that have a Silver Spring network interface card.

The Brass water meters have been periodically replaced and are in decent shape. The water meter communication modules will be replaced. The wireless network will be installed and AMP will handle all installation of the field equipment through the Silver Spring Networks' contractors. All electric and water meter installation will also be handled as well as all aerial equipment.

ElectSolve personnel will be building a billing system integration that will transfer all the data from AMP's data center and send it back to the City's billing system to create customer bills. Any optional applications selected are licensed and included in the initial costs.

Once the system is installed, Milford will incur ongoing expenses for AMP's program costs which basically run the back office on Milford's behalf and any support costs for those applications.

Silver Spring Networks commits to the performance of their network with service level commitments. The AMP contracts with Silver Spring Networks flow to Milford and will be monitored 24 hours a day 365 days a year. If it ever fails to perform as designed, there are financial penalties in the contract though Silver Spring Networks have never had to pay one which speaks volumes to their reliability.

Mr. Bjelovuk then presented a photo and described the Silver Spring Networks' Access Points/Relay will connect to the current fiber network.

He discussed how the network will operate in the City of Milford and the areas where water and electric will be able to reach an access point and transfer back to the data center. If an access point were to fail, they would be able to hop to another point and find their way out of Milford.

Mr. Bjelovuk then presented a photo of the two GE electric meters that will be used in Milford. One is a residential meter platform I210+C equipped with a remote service switch. The commercial and industrial metering platform KV2c is available in multiple meter forms.

He then referred to an overhead view of a map showing the water meter endpoint.

The City has use Hersey water meters for many years. They will be retrofitted with a new Interpreter/Register. The Interpreter/Register that is on the water meter today contains an ITRON ERT that is read remotely by meter employees when driving by. They will be replaced with an Allegro Endpoint that communicates to that Silver Spring Networks continuously. On demand meter readings will be available hourly and that information stored in the system.

On the electric side, those readings will be collected every fifteen minutes and that information also stored for use by the City and its customers.

For those large commercial meters that cannot be retrofitted, their wired ERT will be replaced with a new module that has the ability to communicate with the existing wired installation.

For water meters that are inside a building, this type of communication module will provide the opportunity to get that module outside and away from anything that prevents it from communicating. They may also be used on meters that are outside and in the fringes of the City.

Should Milford need water meters in the future, access is available to the entire master meter fleet at unit pricing.

Mr. Bjelovuk reiterated that ElectSolve was chosen because they demonstrated to AMP they are leaders in the industry as was proven during the evaluations of deployments in other municipalities and other utilities throughout the country.

He then described how their system works. They build a series of interfaces of which uCentra® Dashboards Internal Management and Portal Internal Users are required. The first is an interface of Milford's customer information/billing system and the second interface will be built to the Silver Spring Networks back office. Additional interfaces are optional and Milford has the ability to choose which ones they want.

The base "Meter to Cash" includes all the integrations to collect meter readings once a month, get them through the billing system and ready to render bills each month. It also provides dashboards and portal access for utility operations.

He then presented the optional application that City Staff decided to build into the Advanced Metering Solution.

The first is an interface to the DEMEC meter from which the City purchases its power. The DEMEC meter interface will allow an interval by interval comparison of costs at wholesale and the retail sales in real time. This will provide the ability to determine what is driving the peak demand and what part of the year that occurs and whether the demand charges are set correctly or how much should they be.

The other interface selected is the ability to take the SCADA system and bring that data into the environment. All the collection data from the substations can be used in the analytical environment. It will provide the analysts and operating consultants the ability to look at the interval data and compare it to what is happening in the substations and do things like optimize the electric networks so it is balanced across all three phases or find places where there are losses in the system due

to theft of energy or some antiquated transformation that is difficult to find.

The interface to SCADA will enable City Staff to do a much better job in this area.

The four optional applications selected by Milford include the customer portal (online access to usage data to improve and manage energy costs), voltage analysis (monitors and alerts voltage anomalies more quickly) advanced visualization (displays outages, zero usage or high flow events on a map) and meter exchange file management (access data collected during the meter installation and stored on a server and accessible by Customer Service Staff).

Mr. Bjelovuk then referenced the customer screenshots that will be customized with the Milford branding.

He then discussed Smart Grid Consumer Collaborative. He stressed the important of effectively communicating with Milford's customers before, during and after these projects.

He stressed that AMP is a member of the Smart Grid Consumer Collaborative whose mission is to serve as a trusted source of information for industry stakeholders seeking a broad understanding of consumers' views about grid modernization, electricity delivery and energy usage and for consumers seeking an understanding of the value and experience of a modern electrical grid. By joining the program, Milford will have the ability to build outreach programs for our customers and provide a variety of resources via hosted events and through other members' shared best practices.

The contract is in the process of flowing through DEMEC and the City. It involves a large number of tables and every meter has been outlined by meter type and code, with the help of Public Works Director Mark Whitfield and Electric Superintendent Rick Carmean.

Mr. Bjelovuk then reviewed the cost summary, noting Milford has a very detailed cost of work:

#### INITIAL SERVICES

•Network Infrastructure Equipment (Installed & Spares)	\$78,470.00
•Network Infrastructure Tools	\$37,545.00
•Network Installation	\$11,501.60
•Integrated Electric Meters	\$935,767.83
•Electric Meter Installation	\$141,789.60
•Water Meter Modules	\$639,595.20
•Water Meter Module Installation Services	\$137,368.00
•Water Network Infrastructure Tools	\$23,280.00
•Silver Spring Networks Deployment Management	\$88,418.00
•Base Billing System Integration, Training, Project Management	\$88,100.00
•Optional Interfaces, Optional Configurations & Optional Application Modules	\$112,854.00
•AMP Project Management	\$83,573.10

#### INITIAL SERVICES TOTAL

**\$2,378,252.33**

He also recommends forecasting some additional miscellaneous expenses such as printed materials. Some deteriorated electric services may be found that are not included in the fees presented. Temporary storage costs may be needed though they will provide the frame work of what these costs may be.

#### ONGOING SERVICES - Annual Fees

AMP AM Program (11,905 meters) (actual meters in service, count trued up monthly)	\$121,431.00
Smart Grid Consumer Collaborative Membership	\$300.00
Support for Optional Application Modules	\$17,151.20

**TOTAL ANNUAL FEES****\$138,882.20**

(Note: Municipality should forecast an annual increase of 3% of Ongoing Services)

Mr. Bjelovuk informed Council they will be voting on a Resolution at the February 13<sup>th</sup> meeting after the attorneys from DEMEC, AMP and Milford review it. That would then enable the Mayor to enter into a contract with DEMEC and AMP for the program. Once that is executed, they will meet with City Officials to determine how this fits into the 2017 work plan.

City Manager Norenbeg added that DEMEC is facilitating Milford's participation because of the relationship we have with DEMEC and the relationship DEMEC has with AMP. The documents Council will see in February support that relationship.

It was verified that Milford currently has 7,070 electric meters.

When questioned how many Delaware municipalities are members of this program, Mr. Bjelovuk explained that Milford will be the first under contract. The City of Seaford was part of the first ten deployments whose data was used to get market pricing for the program. Currently they are experiencing some informational technology issues though he anticipates they will be the second municipality on board.

Preliminary conversations have occurred with New Castle City and Lewes. They have also been in discussions with Middletown.

City Manager Norenberg added that two of the remaining DEMEC members already have some sort of an AMI system in place. Other municipalities joining the program will provide a great network to share information, best practices, marketing, etc.

Mr. Bjelovuk noted that AMP had eight members under contract with letters of intent. Of those, the first, Ephrata, Pennsylvania has started their deployment. Their wireless network will be installed tomorrow and operating by the end of the week. Meter installations will begin after that.

The other seven members are at the same stage as Milford and are working on final pricing and contracts.

DEMEC's Vice President of Finance Lou Vitola stated that he was previously employed by the City of Newark who invested in an AMI system on their own. He feels they paid a much higher price tag and waiting for this program to be deployed would have saved the City a substantial amount of money.

Mr. Vitola added that part of the reason that DEMEC is a party in the contract is because DEMEC provides the wholesale electric requirement for all eight of its full-requirement members. They are also able to do the financing on behalf of the members if necessary. He believes that Milford will be making the investment in cash. The ongoing service fee will be included in the wholesale electric rate and billed through the wholesale power supply bill.

Mayor Shupe asked for an overview of the funding for the record.

Mr. Norenberg reported that those details will be provided at the next meeting. However, this is a project that has been planned for sometime and the City has been budgeting reserve funds in anticipation. Because we are including both water and electric meters, funding can come from electric reserves as well as water and wastewater reserves.

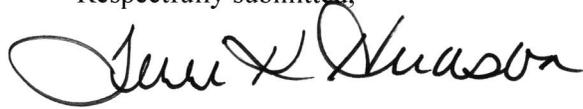
The City Manager also recalled the recent bond refinancing. The resulting savings will be used toward this project. In the meantime, Finance Director Jeff Portmann will prepare a memo that outlines these details for the February 13<sup>th</sup> meeting.

Mr. Mergner asked if there will be an overall savings or increase in electric costs. Mr. Norenberg explained it will not necessarily save money directly. However, it will save in operational costs for the City and the consumer due to a reduction of staff work by eliminating some of the field work that can now be handled electronically. In addition, there will be equipment savings due some being at its end of life and will no longer have to be replaced.

Mr. Mergner recommends pointing out those factors as these costs are publicized.

There being no addition, business, the Workshop Session concluded at 7:10 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  
January 23, 2017

Milford City Council held a Public Hearing on Monday, January 23, 2017 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilmembers Arthur Campbell, Lisa Ingram Peel, James Burk,  
Owen Brooks Jr., James Starling Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:10 p.m.

City Planning Coordinator Rob Pierce was also present.

*Adoption/Ordinance 2016-27*

*An Ordinance Amending Chapter 230 Zoning*

*Conditional Use to Allow Chickens for Individual Domestic Purposes in a Residential Zone*

Mr. Pierce explained the proposal is to allow chickens in Residential Zoning Districts R1 and R2 through the conditional use process.

He then provided a background stating that in August 2016, the Mayor and the Community Affairs Committee received a letter from a constituent regarding the allowance of chickens as pets and for egg-gathering purposes within City limits. The current Animal Ordinance, Chapter 79, prohibits any person from keeping or slaughtering "any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the City of Milford unless in conformity with Chapter 230 Zoning, and properly licensed and inspected by the appropriate agencies." As a result, City staff drafted the proposed code amendment based on the considerations of the Community Affairs Committee.

In summary, the code revisions would permit the keeping of chickens within City limits within residential zoning categories R1 or R2 as a conditional use subject to certain restrictions.

A Public Hearing was held before the Planning Commission on December 20<sup>th</sup> at which time a few members of the public spoke in support of the code amendment. During the discussion by the Planning Commission, there was a point of contention involving the size of the lot. The resident addressing the Commission was in favor of the ordinance though her lot was only 1/3 an acre which prevented any consideration because the proposed ordinance required a one-acre sized lot.

As a result, a motion was made and seconded to amend the code revision and reduce the minimum lot size to one-third acre, but the motion failed when the commissioners voted 3-3. Another motion was made and seconded to adopt the amendment as presented. That motion also failed by a 3-3 vote. There being no affirmative vote, it is being presented to Council in its original formal without a formal recommendation from the Planning Commission.

According to City Solicitor Rutt, because there is no recommendation of approval by the Planning Commission, §230-58(f) of the City Zoning Code states that if a proposal is denied (in his opinion not having an approval is actually a denial), the ordinance is not eligible for reconsideration for up to a year unless there is a favorable 3/4 vote by City Council (six affirmative votes).

Mr. Pierce added that at one point, there was a recommendation for the ordinance to be sent back to the Community Affairs Committee. He explained the Committee was involved in the proposal that was presented to the Planning Commission and

recommended the one-acre minimum lot size.

Mr. Rutt stressed that unless City Council approves the proposed ordinance with a super majority vote, the ordinance cannot be reconsidered for a year.

The City Manager asked if it could be reconsidered as a new ordinance with a different lot size; Mr. Rutt explained it was advertised as 'amending Chapter 230 Zoning Code by including a conditional use to allow chickens for individual domestic purposes in a residential zone.' He described it as a 'generic advertisement' which is what he would recommend in case there are changes made during the public hearing process.

The Solicitor also informed Council the motion was proper to reduce the lot size to a one-third acre though the motion failed; the second motion was to adopt the recommendation of the committee with the one-acre minimum lot which also ended in a tie vote and essentially failed.

As he reads that section of the code, if a proposal, which includes amendments to any zoning regulation, does not receive a favorable vote to forward to Council, a three-quarters vote would be required to adopt it. Otherwise, it has to wait a year before it can be resubmitted.

Mr. Pierce then reviewed the following ordinance:

*Ordinance 2016-27  
Chapter 230 Zoning Code*

*AN ORDINANCE AMENDING CHAPTER 230 ZONING OF THE CODE OF THE CITY OF MILFORD BY INCLUDING A CONDITIONAL USE TO ALLOW CHICKENS FOR INDIVIDUAL DOMESTIC PURPOSES IN A RESIDENTIAL ZONE*

*WHEREAS, The Community Affairs Committee (Committee) recognizes the benefits of locally produced food; and*

*WHEREAS, The City of Milford currently prohibits the keeping of chickens in its corporate limits; and*

*WHEREAS, the Committee deems it to be in the best interest of the City of Milford to allow residents to keep a limited number of chickens for providing eggs for personal consumption in its residential districts; and*

*WHEREAS, The Committee recommends the City Council (Council) of the City of Milford modify the Zoning Chapter by adding a conditional use to allow chickens that are used for individual domestic purposes, subject to certain regulations as set forth, and said Council finds such actions reasonably further the health, safety and general welfare of the residents of the City of Milford.*

*NOW, THEREFORE, the City of Milford hereby ordains:*

*Section 1. Purpose and Authority*

*The purpose of this Ordinance is to amend Chapter 230 Zoning Code of the City of Milford by modifying Section 230-9 R-1 Single Family Residential District, Subsection C by including Paragraph 13 Keeping of Chickens for Individual Domestic Purposes, as follows:*

*§230-9. R-1 Single-Family Residential District.*

*In an R-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.*

*A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living*

*of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.*

*B. Permitted uses.*

*C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:*

*(13) Keeping of Chickens for individual domestic purposes subject to the following restrictions:*

- (a) Keeping of chickens shall be an accessory use and not permitted on lots smaller than one (1) acre in lot area.*
- (b) No more than four (4) chickens per acre shall be permitted on a residential lot with a maximum of twelve (12) chickens allowed on a single property.*
- (c) Chickens shall be registered with the Delaware Department of Agriculture.*
- (d) Chickens shall be penned in a coup that shall be at least four (4) square feet per chicken.*
- (e) All chicken coups shall be located in a rear yard and shall be a minimum of 20 feet from the side and rear property lines.*
- (f) Any odor associated with the chickens shall not be discernable from the property lines.*
- (g) Keeping of roosters shall be prohibited.*
- (h) Slaughtering of chickens shall be prohibited.*
- (i) Violations of these restrictions may lead to the revocation of the conditional use approval.*

*Section 2. Dates.*

*City Council Introduction: December 12, 2016*

*Planning Commission Review & Recommendation: December 20, 2016*

*City Council Projected Adoption Date: January 23, 2017*

Councilwoman Wilson said the concerns expressed during the Planning Commission hearing mirrored her initial response. She feels it could end up being some form of discrimination because someone who has less land would not have the same privilege as someone with a larger lot.

She recalled years ago the reason farm animals were prohibited was because of the close proximity to neighbors.

She is unsure how someone can be penalized and not be allowed to have chickens only because that person has less land and maybe a smaller home than the neighbor.

Councilman Brooks recalled when he moved to his house on Tenth Street, he had three neighbors with chickens and it didn't bother him. Now he has one hundred geese in his backyard and that doesn't both him. He feels that chickens aren't that hard to control.

Mr. Mergner asked if a City employee follows up when someone files for permit to ensure compliance. He also asked how many one-acre lots are in R1 and R2 districts in the City; Mr. Pierce explained the applicant would be required to go through the conditional use process which would require public hearings before the Planning Commission and City Council. Once approved, they would receive a conditional use permit. That process would allow neighbors to provide public comment if they felt it was a problem or vice versa.

Mr. Pierce is unsure how many one-acre lots exist though it would be a low number. Most of the downtown area is zoned R1 or R2 and they typically range between 2,000 square feet and 8,000 square feet. Standard lot sizes are 10,000 to 13,000 square feet which is well below the one-acre minimum.

Councilman Brooks said this has been going on for a while and asked if any neighbors have contacted Mr. Pierce or if any petitions were submitted for or against the ordinance; Mr. Pierce recalled the original request that was received in August.

At the December Planning Commission meeting, a second resident spoke in favor of the ordinance though she asked that a one-third acre lot be considered.

Councilman Starling is concerned this will open the door for other farm animals in the City. He recalled years ago, there were a number of farm animals that could be found throughout Milford. He asked if another resident comes forward with a request for a horse or a cow, will the City allow that to be permitted as well.

Mr. Pierce stated that the Community Affairs Committee would have the right to pursue it and an ordinance would most likely be drafted. City Council would then have ability to approve or disapprove it.

It was confirmed that farm animals are currently prohibited within City limits.

Councilman Burk referenced Commissioner Fulton's comment regarding avian flu and the potential impact on the poultry industry in Milford. He asked if anyone has reached out to Perdue to get their feedback; Mr. Pierce stated no.

Councilman Burk believes Commissioner Fulton had a good point that if there is an outbreak, the chickens must be quarantined in addition to other requirements, though he had not considered that previously.

There being no additional comments from City Council, Mayor Shupe opened the floor to public comment. No one responded and the public comment period was then closed.

Councilman Campbell then moved to deny Ordinance 2016-27, seconded by Councilperson Wilson. Motion carried by the following 5-2 vote:

Councilman Mergner votes yes stating he believes this will be too difficult to administer and too much to control.

Councilman Campbell votes yes in favor of the motion and agrees with Councilman Starling's concerns that this could get out of control and that additional requests for other animals would be forthcoming.

Councilwoman Peel votes no stating that she sees no problem with it. She has had several constituents in her district request it and she knows we already have chickens living in Milford though we are not enforcing the code now. At least this would give us a way to see who has them.

Councilman Burk stated that although personally and professionally he does not support allowing chickens in town, he votes against the motion for the same reasons as Councilwoman Peel stated.

Councilman Brooks said he personally has no problem with chickens, geese or anything else, but he will support the Council. He agrees we could have a problem when John has it but someone else can't have it and it could end in a big uproar and he votes yes in favor of the motion.

Councilman Starling votes yes and believes it will be a problem and recalled the problems from years ago. He knows for sure there were a variety of animals throughout the town which is why the ordinance was created that prohibited that. Allowing this will create problems again especially when another person wants another animal and they will be able to use the argument that we allowed chickens.

Councilwoman Wilson votes yes and agrees with all the reasons stated by those Councilmembers who do want chickens in town.

*Adoption/Ordinance 2017-01*

*Downtown Properties of Milford LLC*

*Conditional Use to Allow Maximum of 12 units per acre and Nonresidential Use of .05+/- Acres*

*C2 (Central Business District) Zoning District*

*Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments*

*S/W Corner of the NW Front Street and N Walnut Street Intersection  
Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01*

Mr. Pierce explained the applicant is proposing to renovate the former Lou's Bootery building located at 48 North Walnut Street into a mixed-use structure with first floor commercial and second and third floor residential use. The owner is planning a complete historic restoration of the building to preserve the character of the structure. The owner has submitted a Downtown Development District (DDD) large-project application to the Delaware State Housing Authority (DSHA) for the expenses associated with the restoration of the Pikus Building.

The first floor use is not known at this moment though the applicant anticipates either a retail or food service use and both are permitted in the C2 zoning district. The second and third floors will be converted into two two-bedroom apartment units. Per Chapter 230-13(C)(10), apartment units in conjunction with a non-residential use (mixed-use) requires a conditional use subject to City Council approval.

A summary of the proposal provided by the applicant is included in the packet, as well as Staff analysis, based on §230-48, which is the criterion used to evaluate conditional use applications.

The Enforcement and Inspection Division requires the applicant to apply for the necessary permits. All building construction must be in accordance with Chapter 88 Building Construction. The applicant will be required to obtain approval or a letter of no objection from the Delaware State Fire Marshal's Office and State of Delaware Department of Health. In addition, the building construction will have to comply with Chapter 130 Floodplain Management because it is within the 100-year floodplain.

Proposed renderings of the structure and the floor layout were also included in the packet, as well as summary of the project statistics and proposal.

The notice was advertised in the Milford Beacon on December 28, 2016 and all property owners within 200 feet received a copy of the mailed public notice.

By unanimous vote, the Planning Commission recommended approval of the application following their January 17, 2017 public hearing.

Applicant Daniel Bond of Downtown Properties of Milford LLC, was present. He stated he lives at 105 North Street which is very close to this building which will be called the Pikus Building in memory of the family that owned and operated Lou's Bootery from 1947 thru 2015 when Skip Pikus died.

Mr. Bond thanked City Council for making this possible through the DDD program. He was aware of the program and when he found out the building was available, he began to make some calculations. He believes the DDD grant and the National Historic Preservation Tax Credit Program from the State of Delaware and the Federal Government, may support a breakeven commercial operation.

He recalled that the old Jewell's Store, also known as the Governor Tharp building, was rehabbed with the Tax Credit Program which successfully resulted in a breakeven commercial effort.

Mr. Bond described the Pikus Building as being in very bad shape. The east facade has been cracking for many years and will be removed very soon. His structural engineer confirmed it is a hazard to the public. He hopes the scaffolding will arrive this coming week so they can begin the demolition project. He will then apply for a construction permit to rebuild it as has been described.

When asked the colors being used, Mr. Bond said he liked the colors portrayed in the Rivertown Rebirth Plan. He informed Council it will look very similar though all the windows will be reopened and restored. The canopy that was added post World War II, will be removed and one with a more historical appearance installed. He has photographs from the early 20<sup>th</sup> Century and their goal is to restore that look.

Mr. Bond has already talked with the Historic Preservation officials in Dover. They have insisted the pressed tin ceiling be kept which in recent years was covered by a drop ceiling. The drop ceiling has been removed and he found that 90% of the original ceiling remains intact.

The interior has been gutted which prevents a lot of historic preservation work though the goal is to restore it to what it looked like before World War II.

Mayor Shupe then opened the floor to public comment; no one responded. The Mayor then closed the public comment portion of the hearing.

Councilwoman Peel moved to adopt Ordinance 2017-01, seconded by Councilwoman Wilson:

*ORDINANCE 2017-01  
Downtown Properties of Milford LLC for a Conditional Use  
Allow dwellings with a maximum density of 12 units per acre in conjunction with nonresidential use  
.05+/- acres in a C2 (Central Business District)  
SW Corner of the NW Front and N Walnut Street Intersection, Milford, Delaware.  
Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments  
Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01*

*WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and*

*WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 to allow for public comment and further review of the ordinance; and*

*WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.*

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

*Section 1. Upon the adoption of this ordinance, Downtown Properties of Milford LLC is hereby granted a Conditional Use Permit to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.*

*Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.*

*Section 3. Dates.*

*Planning Commission Review & Public Hearing: January 17, 2017*

*City Council Introduction: January 9, 2017*

*City Council Public Hearing: January 23, 2017*

Motion carried by the following unanimous vote:

Councilman Mergner votes in favor of the motion and believes this will encourage others to continue work on the downtown and believes this is a great project.

Councilman Campbell votes in favor of the motion and agrees with Councilman Mergner's comments.

Councilwoman Peel votes in favor of the motion stating she appreciates restoring the integrity of the building and understands it is a huge undertaking and thanks Mr. Bond.

Councilman Burk votes in favor of the motion adding that it is a great honor to the Pikus' legacy.

Councilman Brooks votes yes adding he wants to see that building stay there.

Councilman Starling votes yes stating that he echoes the comments of the other Councilmembers.

Councilwoman Wilson votes yes and pointed out that Mr. Bond does great work and she looks forward to its completion.

Mayor Shupe then thanked Dan and Rhonda Bond for adopting the building. He said it is exactly what they wanted to happen in the downtown particularly with a vacant building. He stated that not only does this impact economic development by getting something in there for commercial purposes, it will also provide some residential uses and most importantly historic preservation.

*Adoption/Ordinance 2017-04*

*Change of Zone/Lands belonging to City of Milford*

*Current Zone C1/Proposed Zone C2A*

*East Side of S. Washington Street along the Mispillion River, Milford, Delaware*

*1.78 +/- Acres*

*Tax Parcel 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)*

Mr. Pierce recalled Council discussing the parcels located east of Washington Street along the Mispillion River that was home to the former Washington Street Water Treatment Facility. It includes parcel six, zoned C1, in its entirety and a portion of parcel ten which is a small square in the lower right-hand corner of the lot. The City is seeking a change of zone to the newly created C2A Riverfront Development District. The property is presently vacant and recreational. It contains a parking area and a portion of the basketball court, along with the Riverwalk and some open green space.

This area was identified in the Rivertown Rebirth Plan and in the City's Downtown Development District (DDD) application as a potential site for mixed-use development. The concept would involve first floor retail and dining with apartments or condominiums on the upper floors.

The Rivertown Rebirth Plan was adopted by City Council in January 2015 as the redevelopment strategy for Downtown Milford. The City then received the DDD designation from the State of Delaware in August 2016.

Development of the site would require site plan review by the City. The property would be developed through a Request for Proposals (RFP) process where proposals would be solicited from private developers for the purchase and use of the land consistent with the City's redevelopment goals.

Included in the packet is an analysis regarding adjacent uses, adequate public facilities and conformance with the Comprehensive Plan.

The project site is impacted by the 100-year flood plain as delineated on the 2015 FEMA FIRM exhibits. The project site is also impacted by a well-head protection area surrounding one of the City's production wells. Any land development on the property would have to comply with Federal, State and local requirements related to these impacts in addition to the other laws and ordinances.

Included in the packet is an exhibit illustrating its location and the land use plan from the current Comprehensive Plan showing its designation as commercial in the downtown, along with excerpts from the Rivertown Rebirth Plan showing the mixed use concept and potential renderings.

The notice was advertised in the Milford Beacon on December 28, 2016.

Planning Commission recommended approval of the application by unanimous vote at their January 17, 2017 meeting.

Councilman Brooks asked if Mr. Pierce is indicating there is no developer which is the basis for the City seeking the change of zone; Mr. Pierce explained the zoning is being changed in preparation of an RFP to entertain development proposals from private firms. The RFP will describe the land and the vision, which includes a mixed use, in addition to the criterion the proposal must meet. Proposals will be submitted in March.

Councilwoman Wilson verified that the City is laying out the guidelines for the developer who will use that criteria to create a plan. Mr. Pierce stated that is correcting adding that the proposals will be reviewed internally before it is presented to Council with a recommendation.

Councilman Campbell asked if the basketball court will be moved; Mr. Pierce explained that because the land is protected through a land conservation trust fund, part of the RFP would require the developer to relocate the court to another location.

Councilwoman Wilson agreed that was always part of the plan and she was under the impression it was being moved to the Parks and Recreation location.

Mr. Norenberg said that is one option being considered. The whole project is a series of steps and this is the fourth or fifth step though more are expected. Approval from the State of Delaware must be granted to move the court to another site so it can be used for Parks and Recreation purposes. There is some urgency to move this along in order for the potential developer to apply for the DDD funding later this year.

Councilwoman Wilson asked if there is a specific site in mind; Mr. Norenberg stated that what is being considered is the Marvel Square area off Southeast Second Street though there are other suggestions. Recommendations will be brought before the Parks and Recreation Committee first.

Mr. Pierce said there is a possibility we could receive a proposal that has no impact on the basketball court and it could be left there. Councilwoman Wilson asked that we make sure there is a simultaneous plan in place so that our residents understand we are not removing this recreation site without a replacement.

Mayor Shupe added that ideally it will be somewhere convenient for those persons now using it and definitely within walking distance.

Mayor Shupe said they plan to add a number of items in the RFP including the possibility of public restrooms.

Councilman Brooks asked Mayor Shupe to make sure the bathrooms are maintained on a regular basis and reminded him of the serious issues associated with the public restrooms at the old police station in this area.

With no further Council comments, Mayor Shupe opened the floor to public comment. No one responded and the public comment portion of the hearing was closed.

Councilman Burk moved to adopt Ordinance 2017-04, seconded by Councilman Starling:

*ORDINANCE 2017-04*

*Change of Zone/Lands belonging to City of Milford*

*Tax Parcel 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)*

*1.78 +/- Acres*

*Current Zone C1/Proposed Zone C2A*

*AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.78 +/- acres of real property from C1 (Neighborhood Commercial) to C2A (Riverfront Development) on the east side of S. Washington Street along the Mispillion River, Milford, Delaware. Present Use: Vacant/Recreation. Proposed Use: Mixed Use Commercial and Residential. Tax Map and Parcel: 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion).*

*WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on January 17, 2017; and*

*WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2017 to allow for public comment and further review of the ordinance; and*

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

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

*Section 1. Upon the adoption of this ordinance, tax map and parcels 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion), owned by the City of Milford located on the east side of S. Washington Street along the Mispillion River, is hereby zoned C2A.*

*Section 2. Dates:*

*Planning Commission Review & Public Hearing: January 17, 2017*

*City Council Introduction: January 9, 2017*

*City Council Public Hearing: January 23, 2017*

*Adoption: January 23, 2017*

Motion carried by the following unanimous vote:

Councilman Mergner votes in favor of the motion adding that he thinks it will enhance the downtown area and bring additional business to stimulate the City's economy.

Councilman Campbell also votes yes adding that it will benefit the City's downtown area and businesses.

Councilwoman Peel votes yes adding it fits the City's strategic plan and vision based on the Rivertown Rebirth Plan.

Councilman Burk votes yes stating it is exactly what was looked at during the Rivertown Rebirth presentation and he is glad to see it coming to fruition and agrees it will be a benefit to the City.

Councilman Brooks votes yes for the same reasons the other Councilpersons have stated.

Councilman Starling votes yes and also agrees with the comments made by the previous Councilpersons.

Councilwoman Wilson votes yes based on maintaining some control on what occurs on this land and likes the vision. She believes it will aid in the growth of our town in a positive manner and that it will fit nicely within the Rivertown Plan.

There being no further business, Councilman Mergner moved to adjourn the Public Hearing, seconded by Councilman Campbell. Motion carried.

The Public Hearing adjourned at 7:51 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 23, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 23, 2017.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks Jr., James Starling Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:51 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

*City Manager Eric Norenberg's Birthday*

Mr. Norenberg was surprised with a birthday cake in honor of his birthday this past Saturday.

*Proclamation 2017-03/Black History Month*

Mayor Shupe read the following proclamation into record:

*PROCLAMATION 2017-03  
Black History Month*

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

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

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

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

*WHEREAS, the Association has made "The Crisis in Black Education" as the 2017 Black History Theme to focus on the crucial role of education in the history of African Americans; and*

*WHEREAS, linked to the 2017 theme, this City is the proud home of the Milford Eleven, a special group who gained national attention as the first African American students to attend a previously all-white Milford School in 1954. Though they were only in the Milford School District for 28 days, their impact was far reaching as they proudly paved the way for continued Civil Rights action.*

*NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, Delaware, on behalf of Milford City Council, proclaim the month of February 2017 as BLACK HISTORY MONTH and urge all citizens of Milford to participate in the appropriate programs and activities of our schools, churches, museum, library, and other organizations that recognize and honor the significant contributions Americans of African heritage have made to the City of Milford, the State of Delaware, to the Nation and throughout the World.*

The proclamation will be made a permanent record of the City.

*Proclamation 2017-05/Donald Williams' Day*

City Building Inspector Don Williams recently submitted his resignation to accept the position of City Manager with the City of Harrington. Mr. Williams was in attendance and was presented with the following proclamation:

*PROCLAMATION*

*2017-05*

*Recognizing Donald T. Williams' Service*

*Whereas, on June 7, 2008, Donald T. Williams began his career with the City of Milford as the Code Enforcement Official in the Planning/Inspections/Code Enforcement Department; and*

*Whereas, Mr. Williams has been described by others as professional, positive, loyal and a valuable asset to the City and our citizens; and*

*Whereas, Mr. Williams is a recognized expert in the field of building codes and as a member of the International Code Council, has earned his certifications as both a Commercial and Residential Building Inspector; and*

*Whereas, in August 2011, a letter was sent to the Mayor, City Council and City Manager from William Michael Ward to commend Mr. Williams on the high professional standards and competence he exudes when performing his duties; and*

*Whereas, Mr. Williams was among the City of Milford employees acknowledged by Governor Jack Markell for their response to Hurricane Sandy in 2012; and*

*Whereas, Mr. Williams has tendered his resignation to take a position in another City effective February 1, 2017; and*

*Whereas, held in the highest regard, Mr. Williams' superiors and colleagues will greatly miss his presence and dedication to the City of Milford.*

*NOW THEREFORE, Be It Resolved, that I Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim January 31, 2017 as a day to thank Donald T. Williams for his 9 years and 24 days of outstanding service and to extend sincere gratitude for his part in keeping Milford a safe and attractive place to live, work and play.*

Mr. Williams thanked City Council adding that he has worked with many members of City Council and appreciates them allowing him to do the job. He also thanked them for their friendship adding that most of his time has been spent at City Hall. Though he cannot think of a better place to work, he still has a little fight left in him and was afforded an opportunity he would like to take on before he retires.

He is excited about this new endeavor though he hopes he can bend a few ears as he encounters situations that are new to him.

#### COMMUNICATIONS & CORRESPONDENCE

Included in packet.

#### UNFINISHED BUSINESS

There being no Unfinished Business items on the agenda, Mayor Shupe proceeded to New Business.

#### NEW BUSINESS

##### *Hickory Glen Preliminary Subdivision Plan Approval Extension*

Mr. Pierce referenced the request from Phillip Tolliver PE of Morris and Ritchie Associates in regard to an extension of the plan approval of Hickory Glen Preliminary located on the Milford-Harrington Highway/SR 14 and Holly Hill Road:

*On behalf of our client, Mr. Eric Dunn of Dunn Development, LLC, and in regards to the above referenced plan, we hereby formally request a twelve (12) month extension for the previously approved Preliminary Plan. The Preliminary Site Plan was previously granted approval by the Milford Planning Commission on February 16, 2016, and is therefore scheduled to expire on February 16, 2017 in accordance with Section 200-4.A(5) of the City Subdivision Ordinance. The Preliminary Major Subdivision Plan was previously granted approval by the Milford City Council on February 22, 2016, and is therefore scheduled to expire on February 22, 2017 in accordance with Section 200-4.A(5) of the City Subdivision Ordinance.*

*We have been diligently working on developing the construction plans related to this project and this 12-month extension is necessary in order to obtain all necessary State, County, and City approvals related to the final engineering plans.*

The Planning Director reported the City's Planning Commission recommended approval of the extension on January 17<sup>th</sup>.

Mr. Pierce confirmed this is the third extension requested for Hickory Glen. He explained that during the past year, they have come to terms on the Development Agreement with regard to the regional utilities and how it would be served by water, sewer, etc. Recently, infrastructure plans were submitted and are under review by City officials and State agencies.

He recalled that last year, the City performed a Northwest Area Study that included Homestead (Fry Farm), Hickory Glen, Amberwood and Draper properties. Some of those properties exchanged hands and in particular, the Amberwood project was reduced from a 200-unit subdivision and purchased by Crop Productions which is a 3-EDU water user. That change had a tremendous impact on the cost sharing aspect and was the reason for the most recent delay.

Mr. Pierce noted there has not been any modifications in the code; this is a bi-rite subdivision and not a Planned Unit Development/Conditional Use with no changes in street widths and any other requirements.

Councilman Brooks moved to approve a 12-month extension for the previously approved Preliminary Major Subdivision Plan, seconded by Councilwoman Wilson. Motion carried.

##### *Introduction/Ordinance 2017-07 Chapter 185 Amendment/Sewer Code*

Mr. Pierce informed Council this amendment involves removing some language related to the Sewer Impact Fee Waivers and moving that to the Economic Development and Redevelopment Code. It is scheduled for adoption at the February 13, 2017 Council meeting.

##### *Introduction/Ordinance 2017-08 Chapter 222 Amendment/Water Code*

Mr. Pierce informed Council this amendment mirrors the previous ordinance by removing the language related to the Water Impact Fee Waivers and moving it to the Economic Development and Redevelopment Code. It is scheduled for adoption at the February 13, 2017 Council meeting

*Introduction/Ordinance 2017-09*

*Chapter 19/Economic Development and Redevelopment  
Citywide Job Creation and Capital Investment Program*

The Planning Director discussed the proposed ordinance which inserts the language removed from the sewer and water codes into the Economic Development and Redevelopment Code.

In addition, a section was crated whereby citywide incentives will be considered in relation to capital and job creation. In addition, the small job-created waivers were removed.

The ordinance is also scheduled for adoption on February 13, 2017.

*Support/Correspondence/Kent County Planning/Commercial Zoning Matters*

Mr. Pierce advised the City received notice of a land use application in Kent County along Route 1 and 113 which would essentially change the zone from AG Residential into a Commercial Use. He and Mr. Norenberg felt it was important to make a statement on behalf of the City to discourage commercial growth in the unincorporated areas along Route 1.

He feels that with the opening of the Delaware Turf facility, there will be a strong surge to shift the commercial focus closer to that facility. It is important to point out that Milford has the ample area, utilities and services to accommodate that type of investment within the incorporated areas of the County.

City Manager Norenberg recalled that DE Turn was designed and planned to support the incorporated communities versus the area immediately surrounding the sports complex. The Kent County Levy Court Commissioners have indicated they wanted it to be an economic boom for the incorporated communities. The goal is for existing businesses in Milford to benefit as a result of the sports facility.

Solicitor Rutt pointed out there is substantial land around Medings Seafood that is already zoned commercial.

Mayor Shupe asked Council authorization for him to sign the letter which will be forwarded to Kent County Planning.

Councilman Burk moved to authorize Mayor Shupe to sign the letter, seconded by Councilman Campbell. Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below statutes, seconded by Councilmember Peel:

{Pursuant to 29 Del. C. §10004(b)(9)} Personnel Matters

{Pursuant to 29 Del. C. §10004(b)(4)} Collective Bargaining Matters

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:17 p.m. for the purpose as permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Councilmember Burk moved to return to the Regular Session, seconded by Councilmember Mergner. Motion carried.

City Council returned to Open Session at 8:28 p.m.

Mayor Shupe announced that no action is needed as a result of the discussion in Executive Session.

ADJOURN

There being no further business, Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Starling. Motion carried.

The Council Meeting adjourned at 8:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Terri K. Hudson". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Terri K. Hudson, MMC  
City Clerk/Recorder