

City of Milford



CITY COUNCIL AGENDA **March 13, 2017**

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

WORKSHOP - 6:00 P.M.

Call to Order - Mayor Bryan W. Shupe

Review/Proposed Amendments/City of Milford Charter

Adjourn

COUNCIL MEETING - 7:00 P.M.

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Introduction/Newly Hired Milford Police Officers

Monthly Police Report

Monthly City Manager Report

Monthly Finance Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

New Business

DEMEC & AMP/Energy Efficiency Proposal Program Presentation

Appointment/City of Milford 2017 Election Board

EXECUTIVE SESSION

Recess into Executive Session

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

Return to Open Session

Personnel Matter-Evaluation

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING;
NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

010617 013117 022317 022717 030117 030917 Items Removed

Milford City Charter

ARTICLE I. - INCORPORATION, TERRITORY AND ANNEXATION

1.01 - Incorporation.

The inhabitants of the City of Milford ("the City") within the corporate limits hereinafter defined in this Charter or as hereafter extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the City of Milford.

1.02 - Territorial Limits.

The boundaries of the City of Milford are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Offices for Kent County and for Sussex County in the State of Delaware (official recorded copies to be kept by the City Clerk) as presently exists and as hereinafter amended:

In addition to the aforesaid, the Territorial Limits of the City of Milford shall also include all lands annexed by the City of Milford pursuant to Section 1.04 of this Charter. The City Council may, at any time hereafter, cause a survey and plot to be made of the City, and the survey and plot, when made and approved by the City Council, shall be recorded in the offices of the Recorders of Deeds in and for both Kent and Sussex Counties, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State.

1.03 - Wards.

The City of Milford shall be divided into four wards and a map entitled "Official Ward Map, Milford, Delaware" will delineate the ward boundaries with legal descriptions of each ward attached and kept on file in the Office of the City Clerk. The official ward map shall be identified by the signature of the Mayor, be attested by the City Clerk and bear the seal of the City. The map, legal descriptions and any future changes shall be recorded in both Kent and Sussex County within a reasonable time after the effective date of the amendment approved by City Council. City Council shall adopt the official map and any future amendments by ordinance.

~~The City Council may provide for a fifth Ward and re-arrange the boundaries of the four Wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.~~

~~1.04 - Annexation~~

~~The City may from time to time extend its boundaries through the process of annexation in accordance with Delaware Code and the following procedures shall apply~~

~~(a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.~~

~~(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in~~

~~electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.~~

- ~~(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore.~~
- ~~(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.~~
- ~~(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation and zoning application.~~
- ~~(5) Following the public hearing and subject to the acceptance of the Plan of Services, City Council may then pass a resolution annexing such territory to the City of Milford. Such resolution shall be passed by the affirmative vote of two thirds (2/3) of all the elected members of the City Council. If the resolution fails to receive the affirmative vote of two thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.~~
- ~~(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.~~
- ~~(7) If the resolution receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall~~

~~not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.~~

~~(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.~~

~~(1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.~~

~~(2) If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefore.~~

~~(3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation.~~

~~(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.~~

~~(5) Within sixty (60) days of the recommendation by the Planning Commission, a resolution shall then be considered by City Council proposing to the property owners and residents of both the City of Milford and the territory proposed to be annexed that the City proposes to annex certain territory to its then limits and territory.~~

~~Said resolution shall be passed by the affirmative vote of two thirds (2/3) of the elected members of the City Council.~~

~~The resolution shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The resolution shall be printed in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said resolution shall be posted in four (4) public places both in the City of Milford and in the territory proposed to be annexed.~~

~~(6) The resolution proposing to the property owners and residents of both the City and the territory proposed to be annexed shall be passed by the affirmative vote of two thirds (2/3) of the elected members of the City Council. If the resolution shall fail to receive the affirmative vote of two thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.~~

~~(7) Within sixty (60) days following the public hearing, and upon the acceptance of the Plan of Services by the State of Delaware, the City Council may pass a resolution annexing such territory to the City of Milford, subject to the approval of the property owners in the territory to be annexed. Said approval or disapproval shall be signified at a Special Election as set forth hereinafter. The resolution of the City Council to annex the territory must be passed by the affirmative vote of two thirds (2/3) of all the elected members of the City Council.~~

~~(8) In the event that the resolution does not receive an affirmative vote by two thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the resolution failed to receive the required affirmative vote.~~

~~(9) Following the affirmative vote but in no event later than thirty (30) days after said resolution has been approved, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative resolution has been passed on the proposed resolution.~~

~~(10) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said notice may be posted in four (4) public places, both in the City of Milford and in the territory~~

~~proposed to be annexed at least fifteen (15) days prior to the date set forth for the said Special Election.~~

- ~~(11) — At the Special Election, every property owner, whether an individual, partnership or a corporation in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney duly executed. In the event that an individual holds a Power of Attorney, duly executed and acknowledged, specifically authorizing the said individual to vote for the owner of a property held by a partnership or by a corporation at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners in the area proposed to be annexed shall~~
- ~~(12) — The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:~~
- ~~For the proposed annexation~~
 - ~~Against the proposed annexation~~
- ~~(13) — The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the Special Election. The polling place shall be open from twelve noon, prevailing time, until eight o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.~~
- ~~(14) — Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.~~
- ~~(15) — In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for~~

a period of at least one hundred eighty (180) days from the date of the said Special Election.

~~(16) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent or Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.~~

1.04 - Annexation

The City may from time to time extend its boundaries through the process of annexation in accordance with **the** Delaware Code and the following procedures shall apply:

- (a) All the property owners of the territory contiguous to the then existing corporate limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, may request the City Council to annex that certain territory in which they own property.
 - (1) The petition presented to the City Council shall include the tax parcel number(s), a description of the territory requested to be annexed in electronic format, a sealed survey (dated within one year of the application **petition**), present and requested zoning, a statement of compliance with the Comprehensive Plan and the reasons for the requested annexation.
 - (2) ~~If the Planning Director deems the application complete, the Mayor of the City of Milford shall appoint a Committee comprised of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. If the Planning Director deems the application **petition** complete, **application the petition shall be provided to the Mayor and City Council to be referred to the Annexation Committee. If the Annexation Committee is not duly constituted,** the Mayor of the City of Milford shall appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation. Not later than ninety (90) days **following referral of the application petition to the Annexation Committee by the City Council** ~~its appointment by the Mayor, as aforesaid,~~ the Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed~~

with the proposed annexation and the reasons therefore, **as well as a recommended zoning district for the property to be annexed.**

- (3) A Plan of Services for the property must be completed in accordance with Delaware Code. This Plan of Services must be completed for review and acceptance **by all necessary agencies** prior to final legislative action on the annexation.
- ~~(4) The annexation/rezoning application shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council.~~
 - (4) The annexation ~~rezoning application~~ **petition and zoning application** shall also be referred to the Planning Commission for a Public Hearing and review and recommendation to City Council. Within sixty (60) days of the final recommendation by the Planning Commission, City Council shall hold a public hearing to consider the annexation **petition** and zoning application.
 - (5) Following the public hearing **on the proposed Annexation Petition** and subject to the acceptance of the Plan of Services, City Council may then ~~pass~~ **adopt a resolution an ordinance** annexing such territory to the City of Milford. Such ~~resolution~~ **ordinance** shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council. If the ~~resolution~~ **ordinance** fails to receive the affirmative vote of two-thirds (2/3) of the elected members of the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the resolution failed to receive the required affirmative vote.

The concurrent zoning application shall be considered by City Council in accordance with the provisions set forth hereafter and in this Charter and the Code of the City of Milford. The public notice of the ~~resolution~~ ordinance shall contain a description of the territory proposed to be annexed, requested zoning and shall fix a time and place for a public hearing on the subject of the proposed annexation and zoning. The public notice of the ~~resolution~~ ordinance shall be ~~printed~~ published in a newspaper having a general circulation in the City of Milford at least one (1) week prior to the date set for the public hearing, or, at the discretion of the City Council, the said ~~resolution~~ notice shall be posted in ~~four~~ (4) **two (2) public places both in the City of Milford and in the territory proposed to be annexed and the City website.**

- ~~(6) Prior to the resolution being considered, an ordinance that is conditioned on the approval of the annexation application must be adopted to establish a zoning district for the property to be annexed.~~
 - (6) If the ~~resolution~~ **ordinance** receives a favorable vote for annexation, the City Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for ~~the Kent or Sussex County~~ **in which the property is located**, but in no event shall said recordation be completed more than ninety (90) days following the date of the favorable vote for annexation by the City Council. The territory considered for annexation shall be considered to be a part of the City of Milford from the time of recordation. The failure to record the description of the plot within a specified time shall not make the annexation invalid, but

such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable vote of the City Council.

- (b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(1) The procedure for consideration of a petition under Section 1.04(b) of this Charter shall be the same as the procedure under Section 1.04(1)(1 through 6), unless otherwise stated.

(2) The ordinance adopted under the procedures of Section 1.04 (a) (1 through 6) of this Charter applicable to petitions filed under Section 1.04(b) shall be the same as the procedure under Section 1.04 (1) (1 through 6), unless otherwise stated.

(3) In the event that ~~the resolution~~ the ordinance for annexation does not receive an affirmative vote by two-thirds (2/3) of all the elected members of the City Council, no Special Election shall be held and the territory previously proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date the ~~resolution~~ ordinance failed to receive the required affirmative vote.

(4) Following the affirmative vote but in no event later than thirty (30) days after said ~~resolution~~ ordinance has been ~~approved~~ adopted, the City Council shall order a Special Election to be held not less than thirty (30) nor more than sixty (60) days after said affirmative ~~resolution~~ ordinance has been ~~passed on the proposed resolution.~~ was adopted by City Council.

(5) The notice of the time and place of the said Special Election shall be ~~printed~~ published within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in the City of Milford, or, at the discretion of the City Council, the said ~~resolution~~ notice may be posted in ~~four (4)~~ two (2) public places, both in the City of Milford, ~~and~~ in the territory proposed to be annexed ~~and on the City website~~ at least fifteen (15) days prior to the date set forth for the said Special Election.

(6) At the Special Election ~~each person who has an ownership interest in a property in the territory proposed to be annexed shall have one (1) vote and each partnership or business entity registered with the Secretary of State to do business in the State of Delaware that owns property in the territory proposed to be annexed shall have one (1) vote.~~ Every property owner, whether an individual, partnership or corporation in the territory proposed to be annexed which has an ownership interest in a property in the territory proposed to be annexed shall have one (1) vote. Property held by a partnership or by a corporation shall vote only by a power of attorney or corporate resolution duly executed. In the event that an individual holds a Power of Attorney or corporate resolution duly executed and acknowledged, specifically authorizing the said individual to vote ~~for the owner of a property held by~~ on behalf of a partnership or by a corporation at the said Special Election ~~before that persons votes,~~ a duly authenticated

Power of Attorney or corporate resolution shall be filed in the Office of the City Manager of the City of Milford. Said Power of Attorney or corporate resolution so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election for such partnership or for such corporation. Property owners, individuals or entities in the area proposed to be annexed shall have only one (1) vote regardless of the number of parcels owned.

- (7) The City Council of the City of Milford may cause either voting machines or paper ballots to be used in the Special Election, the form of the ballot to be printed as follows:
- [] For the proposed annexation
- [] Against the proposed annexation
- (8) The Mayor of the City of Milford shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated as the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution ordinance calling the Special Election. The polling place shall be open from ~~twelve noon, prevailing time, until eight o'clock in the evening, prevailing time,~~ 10:00 a.m. until 6:00 p.m. on the date set for the Special Election or until all those entitled to vote have done so. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.
- (9) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof. The Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the proposed annexation.
- (10) In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least ~~one hundred eighty (180) days~~ six (6) months from the date of the said Special Election.
- (11) If a favorable vote for annexation shall have been cast, the City Council of the City of Milford shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for ~~Kent or Sussex~~ the County in which the property is located, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be part of the City of Milford from the time of recordation. The failure to record the description or the plat within the specified time shall not make the annexation invalid, but such

annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of the City of Milford, by written Petition with the signature of each such Petitioner duly witnessed, shall request the City Council to annex that certain territory in which they own property.

(c) Annexation Agreement. Notwithstanding any provision herein to the contrary, where, pursuant to §1.04(a) or (b) of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under this §1.04 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure. **City Council may vote to require the Annexation Agreement at any time before adoption of the ordinance annexing the territory into the city.**

The ~~resolutions~~ **ordinances** and notices adopted by the City Council shall recite that the proposed annexation includes and is subject to an annexation agreement. The ~~resolution~~ **ordinance** and ballots, if an election is required, annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the ~~resolution~~ **ordinance** adopted by City Council annexing the land into the City of Milford. ~~or prior to the resolution ordering the special election pursuant to §1.04 of this Charter.~~ In any event, the Annexation Agreement shall run with the land and be recorded with the annexation ~~resolution~~ **ordinance**.

(d) Property shall be designated to a contiguous ward(s) when annexed into the City pursuant to Article I.

1.05 - Deannexation.

(a) **Except as provided for in Section 1.05(b), below, dexannexation shall follow procedures established in the Delaware Code.**

(b) **The City Council may authorize the deannexation of:**

- (1) **property with zero residents and assessed valuation of less than \$25,000 by ordinance following a public hearing; and**
- (2) **a parcel which contains less square footage than the smallest parcel in the zoning district in which it is located.**

ARTICLE II. - NOMINATIONS AND ELECTIONS

2.01 - City Elections.

- (a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of ~~12 noon~~ **10:00 a.m. to 6:00 p.m.** and ~~8:00 p.m.~~ at such places as shall be determined by the **City** Council and in accordance with State law. Except that, in any year when the fourth Saturday in April falls between Good Friday and Easter Sunday, the annual municipal election shall be held on the third Saturday of April.
- (b) The election shall be held under the supervision of an Election Board, consisting of no less than three nor more than five electors of the City to be appointed by the **City** Council. The Election Board shall be Judges of the election and shall decide upon the legality of the votes offered.
- (c) A clerk from each respective Ward will be assigned to verify the identity and residence of each prospective voter within their election district that intends to vote on the day of the municipal election. The clerk shall obtain this information from the alphabetical list of registered voters provided for this purpose. Those persons not properly registered shall not be permitted to vote at that particular election and become eligible only after being qualified before the next registration deadline. City Council shall appoint an election clerk(s) for each Ward in which there is a contest.
- (d) Every person who resides within the City of Milford boundaries for at least thirty (30) days prior to the registration deadline or natural persons owning property within the City of Milford at least thirty (30) days prior to the registration deadline, and who are over the age of eighteen (18) years, shall be entitled to one vote at said annual municipal election or special election; provided, however, that the **City** Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite to voting at the annual election. A Corporation, Partnership, Limited Partnership or other legally created entity is prohibited from registering and voting as a non-resident property owner unless property within the City is titled in an individual name.
- (e) It is the responsibility of those registered voters who own property in more than one Ward to declare at least sixty (60) days prior to the election which Ward they will vote in on the day of the election. In the event that a person owns property(s) in the City in addition to their place of residency, he or she may vote once only where he or she resides.
- (f) Upon the close of an annual municipal election or special election, the votes shall be counted and read publicly. The person having the highest number of votes, for each office, shall be declared duly elected in accordance with State law, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.
- (g) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All ballots cast, in the event paper ballots are used, and all tabulations of votes from voting machines, if used at said election, and all other records of election shall be preserved in the Custody of the City Clerk for a period of time as required by State law.

- (h) Any vacancy in the Election Board shall be filled by ~~the electors present~~ **City Council at a Special Meeting prior to the election. ~~at the time of the annual election, by naming from the electors present, such person or persons as shall be necessary to fill such vacancy.~~**
- (i) In the event of a tie vote for any office, a Special Election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the Special Election is determined.
- (j) Not less than sixty (60) days prior to the Annual Election, all candidates for the office of ~~City Councilperson~~ **Councilmember** shall file with the ~~City Manager~~ **Clerk** a nominating petition, stating the name of the candidate, the office for which he or she is nominated, and shall be signed by not less than ten (10) registered voters in the Ward in the City of Milford in which the candidate resides. Nominations for the Office of Mayor shall be filed with the City Manager not less than sixty (60) days prior to the Annual Election and shall contain the name of the candidate, the office for which he or she is nominated and shall be signed by not less than ten (10) registered voters in the City of Milford.

[Res. No. 2010-17, § 1, adpt. 11-22-2010, eff. 2-15-2011]

2.02 - Emergency election postponement; declaration.

After consultation with the City of Milford Board of Elections, the City Clerk of the City of Milford may issue a declaration postponing the date of an election as the result of civil disorder, a natural disaster, a state of emergency or any other catastrophic event. Once the declaration is issued, the affected election is postponed. The City Clerk shall promptly set a date on which the postponed election will be held. The date of the postponed election shall not be later than fourteen (14) calendar days after the original date of the election.

2.03 - Absentee Ballot Procedures.

Absentee voting in the City of Milford is in accordance with State law.

2.04 - Voting Machines for Local Office and Mayor and **City** Council Ballots.

- (a) Voting machines for Mayor and City Council Elections. The City of Milford shall conduct all elections for local office using voting machines that the Department of Election of the State of Delaware provides.
- (b) Names on Ballots. The Department of Elections shall prepare the voting machines for the election of members of a Municipal Government by listing the names of all certified candidates submitted by the municipality in alphabetical order by last name without political party or other designation.

2.05 - Ballots for Ordinances ~~and Charter Amendments.~~

An ordinance or ~~Charter amendment to be vote on~~ **requiring a vote by the City-eligible voters,** shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question(s) shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

2.06 - Voting Machines for Referenda and Annexation Elections.

The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

2.07 - Council Districts; Adjustment of Districts.

- (a) Number of Districts. There shall initially be four (4) City Council districts to be known as Wards.
- ~~(b) Districting Commission. The City Council shall comprise the districting commission.~~
- (b) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:
 - (1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.
 - (2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.
- (c) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford and on the City website, no less than one month prior to its adoption.
- ~~(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.~~
- (d) Enact Ordinance. The Council shall adopt the ordinance at least six (6) months before the next regular City election.
- (e) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons Councilmembers elected at the regular City election take office.

ARTICLE III. - POWERS OF THE CITY - COUNCIL AND MAYOR

3.01 - Enumerated Powers.

The City of Milford shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they are specifically enumerated in this Charter. Without limiting the scope of the foregoing provision, the City is specifically empowered as follows:

- (a) The City shall have the power to acquire lands, tenements, real property or interests therein by condemnation **or by acquisition** for the purpose of providing sites for public buildings, parks, sewers, sewage disposal or electric plants or the erection or construction of lines or conduits for the transmission of electricity, water, gas, ~~or sewerage~~, **public utility of any nature**, or for any other municipal purpose, whether within or without the limits of the City, and the procedure therefore shall be as contained in the ~~Revised Code of Delaware 1953~~ **Delaware Code, as amended** and **shall have the power to dispose of real property by Ordinance**. The City of Milford may ~~transmit electric, gas and/or water from the plant or plants own and operate~~ **public utilities and public services** by ~~said City~~ to places or properties beyond the limits of said City and upon such terms, charges and conditions that the Council may determine and approve.
- (b) The **City** Council is vested with authority on behalf of the City to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the City. Notwithstanding anything herein to the contrary, public competitive bidding shall not be required under any of the following circumstances:
 - (1) A contract for any service to be rendered by the State of Delaware or any political subdivision thereof.
 - (2) A contract for professional services.
 - (3) A contract which is less than ~~Thirty~~ **Fifty Thousand Dollars (\$50,000)**. Such a contract shall not be for a portion of a project or proposal that would otherwise require bidding. The aggregate amount shall not exceed ~~Thirty~~ **Fifty Thousand Dollars (\$50,000)**.
- (c) The contract shall be awarded to the lowest responsible bidder, but **City** Council may reject any and/or all bids for any cause by it deemed advantageous to the City.
- (d) All ~~formal~~ contracts **approved by the City Council** shall be signed by the Mayor with the Seal of the City attached and attested by the City Clerk. **The City Manager is authorized to execute all other contracts and agreements for the City of Milford.**
- (e) The **City** Council shall have the power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Milford in accordance with the provision of Article VIII of this Charter.
- (f) The **City** Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees, or dependents, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time resolve or decree.
- (g) Notwithstanding any of the provisions of Section 3.01 and without complying with the competitive bidding procedures described herein, the City of Milford may enter into any contract necessary or desired in connection with a TIF District or a special development district created or designated by the City of Milford pursuant to Article IX of this Charter except a contract in which the City of Milford is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the City of Milford and an owner of real property in such district when the contract is generally for the transfer by the

owner to the City of Milford of the work performed and the cost of labor or material provided by such owner for the benefit of such district.

- (h) The City Council shall have the authority to enter into public private partnerships.
- (i) The City Council may provide for the organization of a fire department and the control and government thereof, establish fire limits and do all things necessary for the prevention or extinguishment of fires; and, in their discretion, contribute, donate or give such amounts of money as they may deem appropriate unto any Volunteer Fire Company or Companies incorporated under the laws of Delaware, or any firefighting equipment and providing service to the City; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the City Council shall deem advisable.

3.02 - Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

3.03 - Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with anyone or more states or civil divisions or agencies thereof or the United States of America ~~or~~ or any agency thereof.

3.04 - Notice of Action.

No action, suit or proceeding shall be brought or maintained against the City of Milford, the Mayor or the City Council of the City of Milford for damages on account of physical injuries, death or injury to property by reason of the negligence of the City of Milford or any of its departments, offices, agents or employees thereof. ~~unless the person by or on behalf of whom such claim or demand is asserted shall, within one (1) year of the occurrence of such injury, notify the City Manager in writing of the time, place, cause and character of the injuries sustained.~~

3.05 - Investigations.

The City Council may make investigations into the affairs of the City and the conduct of any City Department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the City Council shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for not more than ten (10) days, or both.

3.06 - Independent Audit.

The City Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The City Council shall, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years. ~~provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year.~~ If the State makes such an audit, the Council may accept it as satisfying the requirements of this Section. City Council must review and accept each annual audit.

3.07 - Mayor - General Powers.

The Mayor shall be the executive of the City and shall preside at meetings of the City Council, but shall have no vote except in case of a tie. The Mayor shall execute on behalf of the City all agreements, contracts, bonds, deeds, leases and other documents authorized by Council necessary to be executed **subject to Section 3.01(d) herein**. The Mayor or his/her designee shall countersign all orders, checks and warrants authorized by City Council; and shall have all and every power conferred and perform the duties imposed upon him by this Charter and the ordinances of the City. The Mayor may ~~appoint~~ **establish** such committees, **appoint committee members and designate the committee Chairs** as he **or she** deems necessary for the proper administration of City Council.

3.08 - Vice Mayor.

At the annual organizational meeting, the Council shall also elect by a majority vote of the entire City Council a Vice-Mayor who shall act as Mayor during the temporary absence or inability of the Mayor, and while so acting, shall be vested **with** all the powers and authority of the Mayor. ~~The Vice Mayor shall qualify as a Councilperson Councilmember while acting as Mayor for the purpose of establishing a quorum and shall be able to vote as Councilmember.~~ **The Vice Mayor shall qualify as a City Councilmember while acting as Mayor for the purpose of establishing a quorum and shall be able to vote as a City Councilmember.**

3.09 - General Powers and Duties.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

ARTICLE IV. – CITY COUNCIL GOVERNMENT - COMPOSITION, QUALIFICATIONS, VACANCIES AND PROCEDURE

4.01 - Composition of Government.

The government of the city and the exercise of all powers conferred by this charter except as otherwise provided herein, shall be vested in an elective body called the City Council, consisting of a Mayor and ~~eight (8) Councilpersons~~ **Councilmembers**. Whenever the word "Mayor" is used, it shall refer solely to the Mayor. Whenever the words "City Council"- **are used they** shall refer to the ~~eight (8) duly-elected/appointed Councilpersons~~ **Councilmembers**. The government of the City of Milford and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in a Mayor and a City Council. The City Council shall consist of not more than ~~ten (10)~~ **eight (8)** members. Two of the members of the City Council shall reside in that portion of the City known and described as the First Ward, two in that portion known as the Second Ward, two in that portion known as the Third Ward and two in that portion known as the Fourth Ward. ~~In the event a Fifth Ward is created, two members of City Council shall reside in that portion of the City known and described as the Fifth Ward.~~ The Mayor and ~~Councilpersons~~ **City Councilmembers** shall each serve for a term of two years.

4.02 - Annual Organizational Meeting.

At seven o'clock (7:00) p.m. on the second Monday following the annual election, the Mayor and City Council shall meet at the City Council Chamber and shall assume the duties of their offices after being first duly sworn or affirmed to perform their duties with fidelity and in accordance with the Charter of the City.

4.03 - Compensation and Expenses.

The City Council may determine the annual salary of Councilpersons Councilmembers and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilpersons Councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilpersons and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office, in accordance with a policy established by City Council by Resolution.

4.04 - Prohibitions.

- ~~(a) Except where authorized by law, no Mayor or Councilmembers Councilperson shall hold any other City office or employment during the term for which he or she was elected to the Office of Mayor or City Council, and no former Mayor or Councilmembers Councilperson shall hold any compensated appointive City office or employment until two (2) years or more after the expiration of the term of office for which he or she was elected. No former Mayor or Councilmembers shall become employed by a contractor, supplier, or vendor doing business with the City if such firm's contract was approved by the City during the time the former Mayor or Councilmember was in office or a company whose annexation, zoning or development agreement was approved by the City during the time the former Mayor or Councilperson was in office until two (2) years or more after the expiration of the term of office for which he or she was elected.~~
- (a) No person who has served as a City employee, officer or elected official shall represent or otherwise assist any private enterprise on any matter involving the City, for a period of two (2) years after termination of employment, appointed status or end of elected term, if the person had rendered an opinion, conducted an investigation, was in a position to directly or indirectly be materially responsible of such matter, or was eligible to vote on such matter in the course of his or her official duties as a City employee, officer or elected official. Nor shall such former City employee, officer or elected official disclose confidential information gained by reason of public position nor shall the person otherwise use such information for personal gain or benefit.
- (b) Appointments and removals. Neither the Mayor, City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Police Chief or City Manager or any of his or her subordinates are empowered to appoint, but the Mayor or City Council may express its views and fully and freely discuss with the City Manager or Police Chief anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration. Except for the purposes of inquiries and investigations under Section 4.08, the Mayor or City Council or its members shall deal with City officers and employees or independent contractors who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor or City Council nor its members shall give orders to any such officer, employee or independent contractor, either publicly or privately. Likewise, the Mayor or City Council or its members shall deal with Police officers, employees or independent contractors who are subject to the direction and supervision of the Police Chief solely through the Police Chief, and neither the Mayor or City Council nor its members shall give orders to any such officer, employee or independent contractor, either publicly or privately.

4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies.

- (a) Vacancies.

- (1) The Office of the Mayor shall become vacant upon death, resignation, **forfeiture** or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City **and the vacancy is confirmed by City Council.**
- (2) The Office of a **Councilmember** ~~Councilperson~~ shall become vacant upon death, resignation, **forfeiture** or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election **and the vacancy is confirmed by City Council.**
- (b) Forfeiture of Office. **The Mayor or a Councilmember** ~~Councilperson~~ shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.
- (c) Filling of Vacancies. If a vacancy occurs in the **City** Council and the remainder of the unexpired term is ~~less~~ **more than twelve (12)** ~~three (3)~~ months, the vacancy shall be filled in the ~~next general election~~ **by a special** election. If a vacancy occurs in the **City** Council and the remainder of the unexpired term is less than ~~six~~ **twelve (12)** months ~~but more than three (3) months~~, the **City** Council ~~shall~~ **may** within 45 days of the vacancy ~~being confirmed~~ **occurring**, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office. ~~If at the time a vacancy occurs the remainder of the unexpired term is six (6) months or greater than six (6) months, the election authorities shall call a special election to fill the vacancy for the remainder of the unexpired term. The special election shall be held not sooner than twenty (20) days nor later than thirty (30) days in accordance with State election laws following the occurrence of the vacancy and shall be otherwise governed by the provisions of Article VII.~~ Notwithstanding the requirement that a quorum of the **City** Council consists of five **(5)** members, if at any time the membership of the **City** Council is reduced to less than five **(5)** the remaining members may, by majority action, appoint additional members to raise the membership to five **(5)**.

4.06 - Qualification for Mayor and City Council.

- (a) No person shall be eligible for election as Mayor unless he or she is a citizen of the United States of America, a bona fide resident of the City of Milford and has continuously resided therein for a period of two (2) years preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.
- (b) No person shall be eligible for election as a City Council member unless he or she is a citizen of the United States of America, a bona fide resident of the Ward in the City of Milford where they are seeking election and has continuously resided therein for a period of one year preceding the day of the election, is over the age of eighteen (18) years prior to the day of the election, has not been convicted of a felony, submits a criminal background check of the person's entire criminal history record from the State Bureau of Identification, and is nominated therefore, as hereinafter provided.
- (c) The Mayor shall be eligible to serve in such elected office unless he or she does not continue to be a resident of the City during his or her respective term(s) of office nor shall

any member of City Council be eligible to serve in such elected office unless they continue to be a resident of their Ward during their respective terms of office.

- (d) If a Council member files and runs for Mayor, and is elected before his or her Council term has expired, the elected Mayor's City Council seat shall be considered vacant when the elected Mayor is sworn in on the second Monday following the date of the election.

4.07 - Judge of Qualifications.

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the City Council under this Section shall be subject to review by the Superior Court.

4.08 - Procedure.

- (a) Meetings. The City Council shall meet regularly at least once in every month at such times and places as the City Council may prescribe by rule. Special meetings may be held in compliance with State law and may be on the call of the Mayor or of four or more members. All meetings shall be public; however, the City Council may recess for the purpose of discussing in a closed or executive session ~~limited to its own membership any matters~~ as permitted by State Law.
- (b) Rules and Journal. The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the City Council shall follow Roberts Rules of Order and parliamentary procedure.
- (c) Voting. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal **or by voice vote at the option of the Mayor unless otherwise required by State law.** Five (5) members of the City Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. No action of the City Council, except as otherwise provided in the preceding sentence and in Section 4.05(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council.

4.09 - Action Requiring an Ordinance.

The City Council is hereby vested with the authority to enact ordinances or resolutions (~~resolution includes actions taken upon motion whether by roll call or voice vote and whether or not the Resolution has been prepared as a writing~~) relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated. **For purposes of this paragraph, resolutions shall include actions by City Council taken in accordance with this Charter.**

In addition to other acts required by State law or by specific provision of this Charter to be done by ordinance, those acts of the City Council **which** shall be by ordinance **are:**

- (a) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes, except as otherwise provided in Article X with respect to the property tax levied by adoption of the budget;
- (d) Grant, renew or extend a franchise;
- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Sell or lease or authorize the sale or lease of any asset of the City if its value is equal to or greater than 1/5 of 1% of the assessed value of all real property within the corporate limits.
- (h) Amend or repeal any ordinance previously adopted; and
- (i) Change of zone or conditional use of land.

Acts other than those referred to in the preceding may be done either by ordinance or by resolution.

4.10 - Ordinances in General.

- (a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Milford hereby ordains" Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate the matter to be omitted by enclosing it in brackets or by strikethrough type and shall indicate new matter by underscoring or by italics.
- (b) Procedure. An ordinance may be introduced by the Mayor, any member of City Council or the City Manager at any regular or special meeting of the **City Council in accordance with City Council Rules established by Resolution**. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, each Councilmember and to the City Manager. An ordinance shall be placed on the agenda for introduction and for adoption by title; the introduction and the adoption may not be on the same meeting date. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.
- (c) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption ~~or~~ at any later date specified therein, **or as provided by State law**.
- (d) "Publish" Defined. As used in this section, the term "publish" means to ~~print~~**publish** in one or more newspapers of general circulation in the City **and on the City website**:
 - (1) A brief summary of the Ordinance, and
 - (2) The places where complete copies of it have been filed and the times when they are available for public inspection.

4.11 - Emergency Ordinances.

To meet a public emergency affecting life, health, property, **public safety** or the public peace, the **City** Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 6.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five **(5)** members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Subsection 6.09(b), shall automatically stand repealed as of the **sixty-first (61st)** day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

4.12 - Codes of Technical Regulation.

- (a) The **City** Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:
- (b) The requirements of Section 4.10 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Subsection 4.13(a).
- (d) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

4.13 - Authentication and Recording, Codification Printing.

- (a) Authentication and Recording. The City Clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.
- (b) Codification. The **City** Council shall provide for the continual preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the **City** Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware, and such codes of technical regulations and other rules and regulations as the **City** Council may specify. The compilation shall be known and cited officially as the Code of the City of Milford. Copies of the Code may be furnished to City officers, placed in libraries and public offices for free public reference, **provided online accessible through the City website**, and made available for purchase by the public at a reasonable price fixed by the **City** Council.
- (c) Printing of Ordinances and Resolutions. The **City** Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and

Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the City Council. Following publication of the first Code of the City of Milford and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The City Council shall make such further arrangements as it deems desirable with respect to reproductions and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the Code.

4.13 - Code of Ethics

The Mayor and City Council shall develop, adopt and adhere to a Code of Ethics applying to elected officials and to City employees in general.

ARTICLE V. - ADMINISTRATION AND APPOINTEES

5.01 - Form of Government.

The form of government established by this charter shall be known as the "City Council-Manager" form.

5.02 - City Manager - Appointment; Qualifications and Compensation.

The City Council shall appoint a City Manager for an indefinite term. He or she need not be a resident of the City or state at the time of his appointment but may reside outside the City while in office only with the approval of the City Council. The City Council may enter into an employment contract with the City Manager. An employment contract with a City Manager shall be in writing and shall specify the conditions of employment.

5.03 - City Manager - Removal.

The City Council shall remove the City Manager from office in accordance with the following procedures and those conditions contained in the City Manager's employment contract:

- (a) The City Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the City Manager.
- (b) Within five (5) days after a copy of the resolution is delivered to the City Manager, he or she may file with the City Council a written request for a public hearing or Executive Session at the choice of the City Manager. This hearing shall be held at a City Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The City Manager may file with the City Council a written reply not later than five (5) days before the hearing.
- (c) The City Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he has not requested a public hearing or Executive Session, or at any time after the public hearing or Executive Session, if he has requested one. The City Manager shall continue to receive his salary until the effective date of a final resolution of removal.

5.04 - Acting City Manager.

By letter notice filed with the City Clerk, the City Manager shall designate, subject to the approval of the City Council, a qualified City administrative officer to exercise the powers and

perform the duties of City Manager during his temporary absence or disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or his or her disability shall cease.

5.05 - Powers and Duties of the City Manager.

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the City Council for the administration of all City affairs placed in his charge or under this Charter. He or she shall have the following powers and duties:

- (a) He or she shall appoint, and when he or she deems it necessary for the good of the ~~service -City~~, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer, who is subject to his or her direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (b) He or she shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- (c) He or she shall attend all City Council meetings and shall have the right to take part in discussion but may not vote.
- (d) He or she shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by him or her, or by officers, subject to his or her direction and supervision, are faithfully executed.
- (e) He or she shall prepare and submit the annual budget and capital program to the City Council.
- (f) He or she shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (g) He or she shall make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.
- (h) He or she shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable.
- (i) He or she shall perform such other duties as are specified in this Charter or may be required by the City Council.

5.06 - City Clerk - Appointment and Duties.

The City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of City Council meetings to its members and the public, maintain a permanent record of all City Council proceedings and documents, manage the City's elections, act as the custodian of the City Seal, affixing it to all documents, records, contracts and agreements requiring a seal and attesting to same by signature and perform other duties as are assigned to him or her by this Charter or by the City Council.

5.07 - City Solicitor.

At the Annual organization meeting, the City Council shall appoint a City Solicitor who shall be removable at the pleasure of the City Council either with or without due cause as stated. It shall be his, her or its duty to give legal advice to the City Council and other officers of the City and to perform other legal services as may be required by the City of Milford. The City Solicitor may shall be an individual licensed to practice law in the State of Delaware or may be a Delaware law firm any member of which can perform the duties of the City Solicitor.

5.08 - Police Department.

The City Council shall appoint a Chief of Police for an indefinite term and fix his or her compensation. The terms of his or her employment shall be contained in an employment contract.

- (a) It shall be the duty of the City Council to appoint a Chief of the City Milford Police Department and such number of subordinates as the Council may deem wise. The City Council shall, from time to time, make rules and regulations (which may be proposed by the Chief of Police) as may be necessary for the organization, government and control of the Police Force Department. The police shall preserve peace and order, and shall compel obedience enforce within the City limits the ordinances of the City and the laws of the State; and they shall have such other duties as the City Council shall from time to time prescribe. After the initial Chief of City Police and the initial subordinates are appointed in accordance with the terms of this Charter, thereafter, any subsequent Chiefs of Police shall be appointed by the City Council, but any subsequent subordinates shall be hired or fired by the then Chief of Police.
- (b) Each member of the Police Force police officer shall be vested, within the City limits and within one mile outside of said limits as permitted by State law, with all the powers and authority of a state peace officer, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.
- (c) The Chief of Police shall be responsible to City Council and shall be removed from office in accordance with the provisions of State law and the following procedures.∴
 - (1) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Chief of Police from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Chief of Police.
 - (2) Within five (5) days after a copy of the resolution is delivered to the Chief of Police, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Chief of Police may file with the Council a written reply not later than five (5) days before the hearing.
 - (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Chief of Police, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.
 - (4) The Chief of Police shall continue to receive his salary until the effective date of a final resolution of removal.
 - (5) By letter filed with the City Clerk, the Chief of Police shall designate, subject to approval of the Council, a qualified police officer to exercise the powers and perform the duties of the Chief of Police during his temporary absence or disability. During such absence or

~~disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Chief of Police shall return or his disability shall cease.~~

(d) The Chief of Police shall:

- (1) Administer, direct and supervise the operation of the police department.
- (2) Prepare and submit an annual budget and capital program **in conjunction with** the City Manager. This shall then be placed by the City Manager into the Annual Budget and Capital Program for **City** Council approval.
- (3) Attend all **City** Council Meetings and shall have the right to participate in any discussion of police concern, but shall have no vote.

5.09 - City Holding Cells.

The **City** Council may maintain a holding cell for the City, which shall be used as a place for the temporary detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to transport to a detention facility, hearing and trial or arraignment.

~~5.10 - City Alderman.~~

- ~~(a) At the next regular meeting following the Annual Organization Meeting, the Council may appoint an Alderman and an Acting Alderman.~~
- ~~(b) The Alderman may or may not be a resident of the City of Milford and shall have his office at some convenient place within the limits of the City of Milford, as designated by City Council. He or she shall be sworn or affirmed to perform the duties of his office with fidelity by the Mayor. In the event of his absence from the City or, if for any cause he or she may be unable to perform the duties of his office, the Council is authorized to appoint an Acting Alderman with the same powers, jurisdiction and authority.~~
- ~~(c) He or she shall have jurisdiction over and cognizance of all breaches of the peace and other violations of the ordinances of the City of Milford, to hold trial, to imprison offenders, and to impose and enforce fines, forfeitures and penalties as may be prescribed by the ordinances of the City.~~
- ~~(d) He or she shall be under the direct supervision of the City Manager. The prison in either Kent or Sussex County may be used for the imprisonment of offenders under the provisions of this Charter.~~
- ~~(e) Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Superior Court.~~
- ~~(f) At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the City. He shall pay all such moneys to the City within ten (10) days after making report to the Council, or for failure to make payment to the City for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as herein above provided.~~

~~(g) The Alderman shall keep a docket in which all his official acts shall be entered.~~

~~(h) The Acting Alderman may or may not be a resident of the City of Milford; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided.~~

5.11 - Finance Department

~~There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the city.~~

5.104 - Finance Department.

There shall be a City Finance Department which shall be directed and supervised by an officer of the city who shall have the title of Finance Director. The Finance Director shall be appointed and supervised by the City Manager. The Finance Director shall have the duties of chief financial officer of the City of Milford, but may delegate such duties to subordinates under his direction. He or she shall pay out any monies upon check signed by two members of either Mayor or City Council or their designee. He or she shall keep a true accurate and detailed account of all monies received and all monies paid out by the city in all its activities and for all its departments, offices and agencies; shall preserve all vouchers and financial records, but under a records disposal program and schedule approved by the Council consistent with State law, may periodically destroy such records and vouchers. He or she shall make such reports at such times as the City Manager and City Council shall direct and which will keep the Council, City Manager and the public informed of the financial condition of the City.

5.-112 - Planning Department.

There shall be a planning department, which shall be directed and supervised by a City Planner **Planning Director**. The ~~City Planner~~ Planning Director shall be appointed, supervised and removed by the City Manager. The ~~City Planner~~ **Planning Director** shall have the following responsibilities:

- (a) To advise the City Manager on any matter affecting the physical development of the city;
- (b) To formulate and recommend to the City Manager a comprehensive land use plan and modification thereof;
- (c) To review and make recommendations regarding proposed actions of the Council in implementing the comprehensive development plan;

- (d) To advise and seek advice from the planning commission in the exercise of his or her responsibilities and in connection therewith, to provide it necessary staff assistance;
- (e) To review and make recommendations regarding proposed actions of the Council in annexations;
- (f) To strive to give citizens the opportunity to have a meaningful impact on the development of plans;
- (g) To protect the integrity of the natural environment and endeavor to conserve the heritage of the built environment;
- (h) **Direction over the administration, management and enforcement of the City's building and nuisance codes.**
- (i) **Such other duties as may be assigned.**

5.123 - City Planning Commission

Pursuant to State law, there is hereby established a Planning Commission for the City of Milford. The City Planning Commission shall consist of no less than five and no more than nine (9) members recommended by the Mayor and appointed by City Council.

5.134 - Board of Adjustment.

There shall be a Board of Adjustment pursuant to the provisions of the Delaware Code. The City Council shall, by ordinance, establish a Board of Adjustment and shall provide for the adoption of standards and procedures for such Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which may be required by the City Council or by law.

ARTICLE VI. - FINANCIAL PROCEDURES

6.01 - Fiscal Year.

The Fiscal year of the City shall be set by the City Council.

6.02 - Submission of Budget Date.

On or before the last day of the twelfth (12th) month of each fiscal year, the **City** Manager shall submit to the **City** Council a budget for the ensuing fiscal year and an accompanying message.

6.03 - Budget Message.

The **City** Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the ~~manager~~ **City Manager** deems desirable.

6.04 - Operating Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;
- (c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

6.05 - Capital Program.

- (a) Submission to City Council. The City Manager shall prepare and submit to the City Council a five-year capital program at the time the annual budget is submitted to City Council as defined in Section 6.02.
- (b) Contents. The capital program shall include:
 - (1) A clear, general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.06 – City Council Action on Operating Budget.

The City Council shall adopt the operating budget on or before the last day of the twelfth (12th) month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts an operating budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

6.07 – City Council Action on Capital Program.

~~Adoption.~~ The City Council, by resolution, shall adopt the capital program with or without amendment on or before the last day of the twelfth (12th) month of the current fiscal year.

6.08 - Public Records.

Copies of the budget and the capital program as adopted for the fiscal year are public records and shall be made available to the public through the Freedom of Information Act and the City of Milford website.

6.09 - Amendments after Adoption.

- (a) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are ~~available for appropriation~~ revenues in excess of those estimated in the budget and that they may be available for appropriation, the City Council by ordinance may make ~~by~~ supplemental appropriations for the year up to the amount of such ~~excess~~ **additional revenue**.
- (b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available un-appropriated revenues to meet such appropriations, the City Council may exercise short term borrowing authority as provided in Section 8.07 of this Charter.
- (c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

- (d) Transfer of Appropriations. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the City Manager, the City Council may by majority vote transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) Limitations: Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

6.10 - Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

6.11 - Administration of Budget.

- (a) Work Programs and Allotments. At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The City Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He or she may revise such allotments during the year if they deem it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations.
- (b) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds ~~there from~~ **therefrom** are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

ARTICLE VII. - TAXATION, ASSESSORS AND ASSESSMENT OF TAXES

7.01 - General Assessment of Real Property.

~~Not less frequently than every~~

Every ten (10) years, there shall be made a general assessment which shall be a true, just and impartial valuation and assessment of all the real property within the limits of the City.

7.02 –Supplemental Assessments.

It shall be the duty of the City Manager to include supplemental assessments prepared by ~~the~~ a certified assessor(s) for the purposes of adding property not included in the last assessment or increasing or decreasing the assessment value of property which was included in the last general assessment. In the year that a supplement assessment is made, the General Assessment then in force as modified by the supplemental assessment, shall constitute the assessment for the year.

7.03 - Assessment Copies to City Council.

The City Manager shall make and deliver to the **City** Council, as soon as the assessments are made, such number of copies as the **City** Council shall direct.

~~7.04 - [Real Property Assessment by Council].~~

~~The real property of the City Assessor(s) shall be assessed by the Council.~~

~~7.045 - [Notification of Assessment.~~

~~The City Tax Assessor-Manager or designee shall notify the property owner in writing of any change in assessment.~~

~~7.056~~ Public Notice.

The **City** Council shall, prior to a given date set by resolution in each year, cause a copy of the General Assessment as adjusted by the supplemental assessment as made in said year, to be ~~hung~~**posted** in two (2) public places in the City ~~and there to remain for the space a period of~~ ten (10) days ~~for public information~~. Attached to said copies shall be a notice of the day, hour and place that the **City** Council will sit as a Board of Revision and Appeal; and the notice of the ~~hanging up~~**posting** of the copies of the assessment and the places where the same are ~~hung up~~**posted** and of the day, hour and place when the **City** Council will sit as a Board of Revision and Appeal shall be published **on the City website and** in at least one (1) issue of a newspaper circulated in the City **at least ten (10) days before the meeting**.

~~7.067~~. Corrections and Revisions of Assessments.

At the time and place designated in the notice aforesaid, the **City** Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of City Council shall sit on his own appeal.

7.078. Revised Assessment.

The assessment, as revised and adjusted by the City Council, shall be the basis for the levy and collection of the taxes for the City. If any taxable property owner fails or neglects to perfect his or her appeal to the Board of Revision and Appeal, he or she shall be liable for the tax for such year as shown by the assessment lists.

7.089. Taxes on Cable and Utility Installations. Utility Improvements.

The City Council shall also have the right to levy and collect taxes on all underground cables and any utility improvements installations, and upon all telephone, telegraph or power poles or other erections of like character erected or installed within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same be included in or added to the City Assessment. In case the owner or lessee of such poles, erections, installations or appliances utility improvements shall neglect or refuse to pay the taxes that may be levied thereon, the said taxes may be collected by the City in the same manner as other taxes, and upon continued non-payment, the City Council shall have the authority to cause the same to be removed.

7.0940 Determination of Rate of Taxation.

The City Council shall determine and fix a rate of taxation which with other anticipated revenue will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

7.1044 Limit of Taxation.

The limit of taxation for current expenses shall be that rate which, by estimation, will produce a sum not exceeding two (2) percent of the assessed value of real property with improvements located in the City.

7.1142 Taxes - Delinquencies.

- (a) Not later than the second (2nd) month of a new fiscal year, the City Manager shall make available to the City Council a list containing the names of the taxable owners of taxable properties within of the City and, opposite the name of each, the amount of his the real property assessment, as well as the tax upon the whole of his the assessment, and the rate per hundred (100) dollars of assessed valuation. Attached to a tax list shall be a warrant, under the seal of the City of Milford, signed by the Mayor and attested by the City Clerk commanding the City Manager to make collection, when due, of the taxes as stated and set forth in the tax list.
- (b) All taxes, when and as collected by the City Manager, shall be paid to or deposited to the credit of the City in those banking institutions approved by City Council.

- (c) All taxes shall be due and payable on the date set by City Council. To every tax not paid after the said date each year there shall be added and penalty rate charged is to be set by City Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.
- (d) All taxes assessed upon any real estate and remaining unpaid prior to a new tax year billing shall constitute a first (1st) lien against all real estates of the delinquent taxpayer situated within the limits of the City of Milford for a period of ten (10) years from July 1 of the year for which the taxes were levied, but if the real estate remains the property of the person who was the owner at the time that it was assessed, then the lien shall continue until the tax is collected. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so assessed. The City Manager, in the name of the City of Milford, may institute suit before any Justice court of the Peace within Kent County or Sussex County, or before the Alderman of the said City, or competent jurisdiction in the Court of Common Pleas in and for Kent or Sussex County, or in the Superior Court of the State of Delaware for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in the case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas or in the Superior Court as the case may be within those courts.
- (e) In addition, the City Manager, acting on behalf of the City, may pursue the sale of the lands and tenements of the delinquent taxpayer, or the lands of tenements of a delinquent taxpayer alienated subsequent to the levy of the tax and with the following conditions by monition sale according to the same procedures and subject to the Delaware Code, as may later be amended, replaced or relocated within Delaware Code. Prior to commencing any action for the sale of lands and tenements, the City shall send written notice to the assessed owner providing the total balance owed and language indicating a failure to pay within thirty (30) days may result in the commencement of legal proceedings for the sale of the assessed property.
- ~~(1) No sale shall be approved by the Superior Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one (1) year from the date of the sale, within which time the owner, his heirs, executors or assigns, shall have the power to redeem the lands on payment to the purchase, his personal representatives, or assigns, of the costs, the amount of the purchase money and twenty percent (20%) interest thereon and the expense of having the deed prepared.~~
- ~~(2) After satisfying the tax due and the costs of expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the City of Milford, either to the credit of the owner, or in a manner by which the funds may be identified.~~
- ~~(3) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner as the case may be in the amount then customarily charged:~~

~~To the Prothonotary for filing and recording Petition~~

~~For filing and recording return of sale~~

~~To the City Manager for preparing certificate~~

~~For making sale of land~~

~~For preparing and filing return~~

~~For posting sale bills~~

~~In addition, the costs of printing handbills and publications of the advertisement of sale in a newspaper shall be chargeable as costs. The cost of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer.~~

- ~~(4) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.~~

~~(f) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise may refer to the Superior Court of the State of Delaware in and for Kent or Sussex County, a petition representing the facts and praying for an order authorizing and requiring the City Manager to have executed and acknowledged a deed conveying to the Petitioner the premises sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.~~

- (f) In addition to collection of fees and costs set forth in the Delaware Code, the City shall have the authority to enact such ordinance as necessary to assure recovery of all expenses incurred by the City in collecting said judgment.

~~(g) However, should the City Council so elect, the City Manager is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax, by the direction of the City Council, using any of those procedures specified for the sale of land for the collection of taxes on the part of the taxes for Sussex County or Kent County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference in the statutes made and provided, substituting the City of Milford for Sussex County or Kent County therein.~~

- (g) In the event of the death, resignation or removal from office of the City Manager of the City of Milford, before the proceedings of the sale of land shall have been

completed, his successor in office shall succeed to have all of his powers, rights and duties in respect to said sale.

~~(h) The provisions of this [Section 7.12](#), other than the provisions of subsection (b) of this [Section 7.12](#), shall apply to all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this [Section 7.12](#) to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.~~

(h) There is hereby created a tax lien on any assessment or service charge levied by the City of Milford against a property as it relates to any utility service provided by the City of Milford, including any installation fees, connection fees, and service charges for maintenance or use thereof, and any amount expended by the City in order to complete any improvement, installation, razing, demolition, removal, or repair that is mandated by the City and where the assessed owner refuses or fails to comply, and any other fine, cost or assessment duly levied and authorized by this Charter or by ordinance. All such assessments and charges shall be collected in the same manner as real estate property taxes and subject to the same lien provisions provided under subsection d of this Section 7.11.

(i) The provisions of this Section 7.11 shall apply to any charge levied by the City that would qualify as a lien under 25 Del.C. §2901(a)(1), as may be amended, and all special ad valorem taxes and special taxes levied by the City of Milford pursuant to Article IX of this Charter, provided that all references in this Section 7.11 to a tax list shall, for all purposes relating to such special ad valorem taxes and special taxes, be deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

(j) In addition to any method of collection provided under this Section 7.11, the City Manager or representative appointed by the City Manager may pursue collection of any delinquent assessment or charge as may now or later be available under Delaware law.

7.12 - Real Estate Transfer Tax.

The City of Milford reserves the right to enact a Real Estate Transfer Tax by ordinance through the City Council. Any change to the Real Estate Transfer Tax must be in accordance to ~~with~~ Delaware laws.

7.13- Assessment, Payment, and Collection of Taxes for New Construction.

In the event that the Mayor and **City** Council of the City of Milford desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so.

ARTICLE VIII. - BORROWING OF MONEY AND ISSUANCE OF BONDS

8.01 - Bonds.

The City of Milford may borrow money and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Milford; or such other security or securities as the City Council shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the City of Milford in pursuance hereof shall be exempt from all State, County or municipal taxes.

8.02 - Purpose of Bonds.

This power or authority to borrow money may be exercised by the City of Milford to provide funds for, or to provide for the payment of, any of the following projects or purposes:

- (a) Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;
- (b) Meeting or defraying current annual operating expenses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;
- (c) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of ~~gas, water, electricity, sewerage or drainage system, or any of them~~ **any public utility** and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore;
- (d) Constructing, paving, ~~laying out,~~ **engineering**, widening, extending, repairing and maintaining streets, lanes, alleys and ways, and the paving, constructing, ~~laying out,~~ **engineering**, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefore;
- (e) Any other purpose consistent with the promotion of health, education, **public safety**, or the general welfare of the City of Milford.

8.03 --Bonds or Certificates of Indebtedness - Resolutions.

The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any purpose above specified shall only exercise in the following manner:

The City Council shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above-named purposes. The resolution proposing the borrowing shall plainly set forth the following matters:

- (a) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;
- (b) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;
- (c) The manner in which it is proposed to be secured;
- (d) The manner in which it is proposed that it shall be paid or funded, or both;
- (e) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and
- (f) A statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

8.04 --Notice of Resolution

- (a) It shall then be the duty of the City Council to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one (1) issue of a newspaper published in the City of Milford at least one (1) week before the time fixed for said hearing, ~~and by posting copies thereof on the City of Milford website, and in five~~ **two (2)** public places ~~throughout~~ in the said City at least one (1) week before the time fixed for said hearing.
- (b) At the time and place mentioned in such notice, the City Council shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the City Council, then the City Council shall pass a second resolution ordering and directing that a Special Election be held in the City of Milford not less than thirty (30) days nor more than sixty (60) days (as may be determined by the Council) after the date of the hearing and passage of the resolution authorizing the loan by the Council.
- (c) The purpose of such Special Election shall be to vote for or against the proposed loan.
- (d) The City Council shall give notice of the time and place for holding the said Special Election to all the electorate of the City of Milford by posting notices thereof in **two (2)** public places in said City at least two (2) weeks prior to the day fixed for the holding of such Special Election, and by publishing a copy of such notice once each week during those two (2) weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper generally circulated in the City of Milford **in addition to the city website**. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat the City Council shall vote upon the final authorization for the loan.

- (e) The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City.
- (f) At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one (1) vote.

~~The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he or she, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting such ballot, unless voting machines are used. Immediately upon the closing of the polls, the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to the City Council. One copy of the Certificate the Council shall enter in the minutes of the next meeting of the City Council and the other copy thereof shall be filed with the papers of the City Council.~~

- (g) The ballot, either by voting machines or paper ballots, shall include a statement of the purpose for which the borrowing is being proposed and the maximum amount of the bonds to be issued. The vote will be in the following form:

_____ For the Proposed Borrowing
 _____ Against the Proposed Borrowing

- (h) Absentee ballots shall be made available by the City Clerk within five days of the date of the adoption of the Resolution ordering the Special Election and distributed no later than 4:30 p.m. two days prior to the date of the Special Election. Completed absentee ballots received after that time shall not be counted.

The City Clerk shall ensure delivery of the absentee ballots to the Election Board before the polls are opened on the Special Election Day.

- (i) Immediately upon the closing of the polls, the total votes cast by absentee ballot and the total votes cast for and against the borrowing on the Special Election Day shall be counted by the Special Election Board and the results announced. Two Certificates of Special Election shall be prepared and signed by at least three (3) Special Election Board Members. One copy of the Certificate shall be entered into the minutes of the next meeting of City Council.

- (j) All election documents, including ballots and the Certificate of Special Election, are public records and available for inspection by the public in accordance with the Delaware Freedom of Information Act [Chapter 100 of Title 29]. Said documents will be maintained in accordance with the retention and disposal schedules approved by Delaware Public Archives.

8.05 - Payment of Bonds or Certificates of Indebtedness.

- (a) The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the City Council after the special election.
- (b) The bond or bonds or certificates of indebtedness shall be offered at public or private sale as determined by the City Council. All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as the City Council may deem most advisable.
- (c) The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal or such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may hereafter become due thereupon and, in a proper case or as recommended by ~~bound~~ **bond** counsel, it shall also provide a sinking fund therefore.
- (d) Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the full faith and credit of the City of Milford shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificate of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefore.

8.06 - Refinancing of Municipal Bonds.

Notwithstanding the foregoing provisions of this Section, **the** City Council of the City of Milford may authorize by Resolution the refinancing of existing bonds or other obligations of the City, without the necessity of a Special Election; provided that the issue of the refinancing obligations results in a present value savings to the City. Present value savings shall be determined by using the effective interest rate on the refinancing obligations as the discount rate calculated based on the internal rate of return. The principle amount of the refinancing obligations may exceed the outstanding principle amount of the obligations to be refinanced.

8.07 - Short Term Borrowing.

Notwithstanding the foregoing provisions of this Section, **the** City Council may authorize, by resolution, short term borrowing by the City without the necessity of a Special Election. The City of Milford may borrow money up to the amount of the annual tax billings. The borrowed money shall be for one of the following: operating deficits, emergencies declared by **City** Council, and short term capital project funding. The money shall be paid back in no longer than ~~five (5)~~ **ten (10)** years.

ARTICLE IX. - TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS

9.01 - Tax Increment Financing and Special Development Districts.

In addition to all other powers the City of Milford may have, and notwithstanding any limitation of law, the City of Milford shall have all powers and may undertake all actions for the

purposes set forth in, and in accordance with Delaware Code relating to the Municipal Tax Increment Financing Act and Delaware Code relating to Special Development Districts.

9.02 - Non-Recourse.

Bonds are non-recourse to the City of Milford and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property.

ARTICLE X. - SEVERANCE

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provision to other persons or circumstances shall not be affected thereby.

ARTICLE XI. - TRANSITIONAL PROVISIONS

11.01 - Officers and Employees.

- (a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.
- (b) Continuance of Officers and Employees. Except as specifically provided by this Charter ~~if at the time this Charter takes full effect~~ **or any amendment thereto**, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, **or any amendment thereto**, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter, or any amendment thereto, directing that he vacate the office or position.

11.02 - Departments, Offices and Agencies.

- (a) Transfer of Powers. If a City department, office or agency is abolished by this Charter, **or any amendment thereto**, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter, **or any amendment thereto**, or, if the Charter, or any amendment thereto, makes no provision, as designated by the City Council.
- (b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter, **or any amendment thereto**, is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the City Council in accordance with this Charter, **or any amendment thereto**.

11.03 - Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, **or any amendment thereto**, and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter, **or any amendment thereto**.

11.04 - State and Municipal Laws.

In General, all City ordinances, resolutions, orders and regulations which are in force when this Charter, **or any amendment thereto**, becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter, **or any amendment thereto**, or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Delaware permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter, **or any amendment thereto**, becomes fully effective, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter, **or any amendment thereto**, or of ordinances or resolutions adopted pursuant thereto.

11.05 - Survival of Powers and Validations Sections.

- (a) All powers conferred upon or vested in the City of Milford by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, **or any amendment thereto**, are hereby expressly conferred upon and vested in the City of Milford as though herein fully set out.
- (b) All ordinances adopted by the City Council of the City of Milford, or which are in force for the government of the City of Milford at the time of the approval of this Charter, **or any amendment thereto**, are continued in force and effect as ordinances of the City of Milford until repealed, altered or amended under the provisions of this Charter, **or any amendment thereto**, and the acts of the City Council of the City of Milford and of the officials thereof as lawfully done or performed under the provisions of the Charter of the City of Milford, **or any amendment thereto**, or ordinance thereof, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.
- (c) All taxes, fines, penalties, forfeitures, assessments or debts due the City of Milford and all debts due from the City of Milford, at the effective date of this Charter, **or any amendment thereto**, shall, respectively, be deemed due to or from the City of Milford and said obligations shall severally remain unimpaired until paid, and the power, right, and authority to collect taxes imposed under the provisions of this Charter, **or any amendment thereto**, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the provisions of this Charter, **or any amendment thereto**, and the processes which may be employed for that purpose, shall be deemed to apply and extend to all unpaid taxes, assessments or charges imposed under the Charter of the City of Milford, **or any amendment thereto**, immediately preceding the adoption of this Charter, **or any amendment thereto**.

- (d) The bonds heretofore given by or on account of any official of the City of Milford shall not be affected or impaired by the provision of this Act but shall continue in full force for the benefit of the City of Milford.

11.06 - Headings.

The heading of any article, paragraph, subparagraph or section of this Charter shall be for reference purposes only and shall not be deemed to have a substantive meaning.

ARTICLE XII. - REPEALER

This Act shall operate to amend, revise and consolidate "An Act to Reincorporate the City of Milford", being Chapter 148, Volume 72, Laws of Delaware, and the several amendments and supplements thereto. The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act.

CITY OF MILFORD

DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN

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

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: March 8, 2017

RE: Activity Report/February 2017

Monthly Stats:

A total of 542 arrests were made by the Milford Police Department during February 2017. Of these arrests, 116 were for criminal offenses and 426 for traffic violations. Criminal offenses consisted of 18 felonies and 93 misdemeanors. Traffic violations consisted of 106 Special Duty Radar, 5 Drunk-Driving charges, 315 other.

Police officers investigated 44 accidents during the month and issued 111 written reprimands. In addition, they responded to 1149 various complaints including city requests and other agency assistance.

Monthly Activities:

Department Administration continues to work on the Body Worn Camera Program. Progress is ongoing as policies & procedures are being reviewed and amended. Officers are being trained as new procedures are adopted.

All officers attended an eight hour In-Service training at the Department during the month of February. This training is required by the Council on Police Training and includes Taser Recertification, House Bill 2 (Sexual Assault) and HB 457 (Chapter 323: Training on Miranda Warning Suspects Rights).

Two officers attended Street Survival Training in Atlantic City, NJ. Two officers attended a DUI Refresher course at the DSP Academy. Three officers attended an Emergency Vehicle Operators course at the DSP Academy. One officer attended Taser Instructor Recert Training at Wor-Wic College. One officer attended a Search Warrants course at DSP Academy. One officer attended a Covert Surveillance Techniques course at the DSP Academy.

SRO:

Cpl. Bloodsworth and Pfc. Stanton both took part in two Special Olympics Delaware events.

K9 Unit:

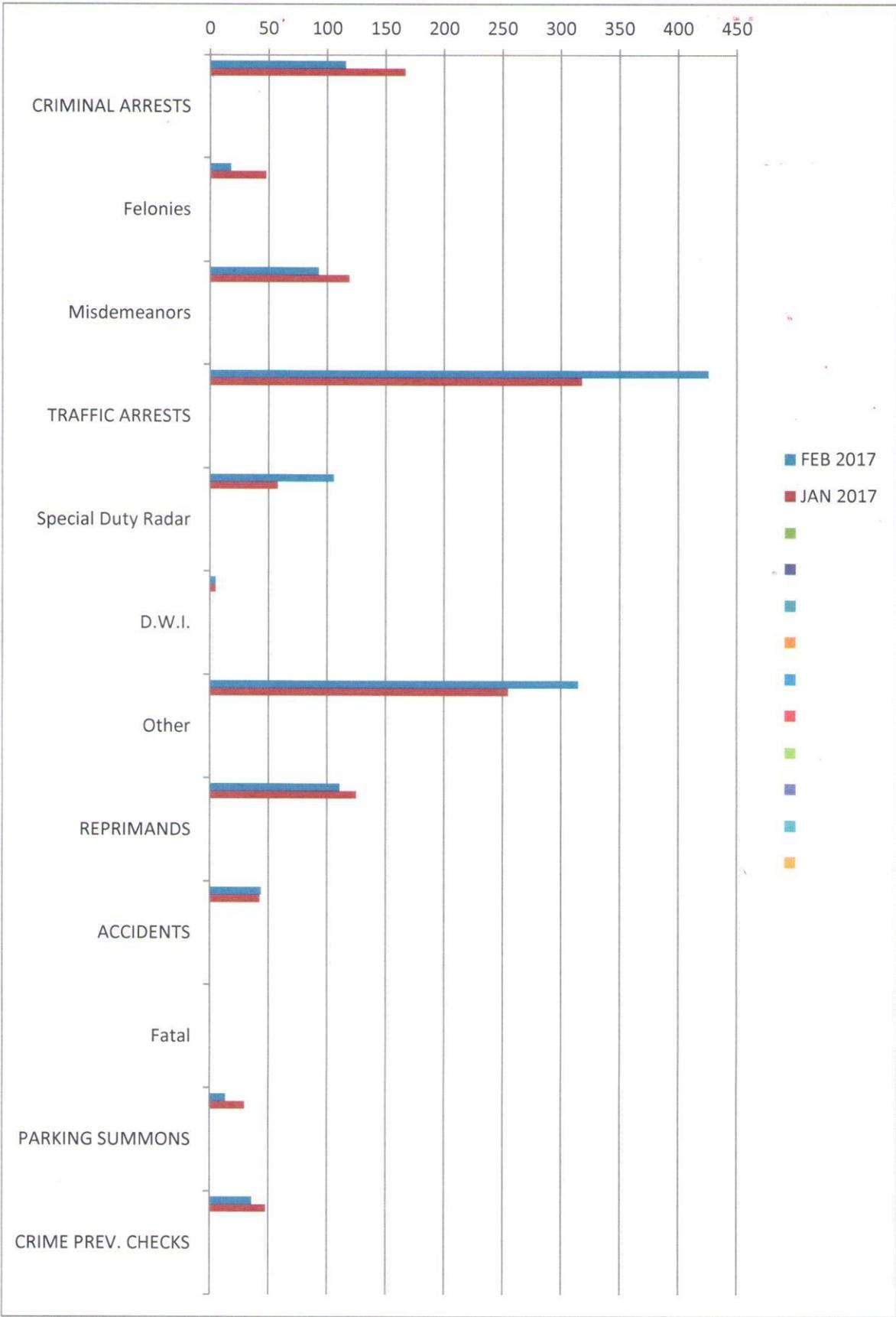
For the month of January 2017 the Milford Police Department K9 unit had the following stats:

- Utilized 20
- Drugs 6
- Crowds 0
- Assist Other Agencies 5
- Building Searches 5
- Deployed as Precaution 0
- Area Search 0
- Article Search 1
- Bite Apprehensions 0
- No Bite Apprehensions 0
- Tracks 3
- Demo 0

<u>Seized Items</u>	<u>Amount</u>	<u>Value</u>
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FEB 2017 ACTIVITY REPORT

	FEB 2017	TOTAL 2017	FEB 2016	TOTAL 2016
COMPLAINTS	1149	2268	1106	2167
CRIMINAL ARRESTS	116	283	203	338
Felonies	18	66	65	149
Misdemeanors	93	212	138	189
TRAFFIC ARRESTS	426	744	421	774
Special Duty Radar	106	164	128	182
D.W.I.	5	10	7	15
Other	315	570	286	577
REPRIMANDS	111	236	122	214
ACCIDENTS	44	87	61	105
Fatal	0	0	0	0
PARKING SUMMONS	14	44	10	15
CRIME PREV. CHECKS	36	84	35	43
FINES RECEIVED	\$7,895.36	\$ 14,008.75	\$ 5,346.19	\$ 11,868.39





OFFICE OF THE CITY MANAGER
ERIC NOREBERG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

City Manager's Report March 13, 2017

ADMINISTRATION

Parks & Recreation

- Three staff attended the annual Delaware Parks and Recreation Society two day conference in Newark, including a tour of the University of Delaware athletic facilities.
- The Recreation Supervisor attended the Soccer Champion coach's clinic in Uncasville, CT.
- Work continued on the new spring brochure which went to print and was delivered to all the schools for the kids to take home.
- Work continues on creating a new park brochure with up to date information, photos, and new addresses for the associated parks.
- Lil Buc's wrestling program was held twice a week for six weeks for school age children in grades 1st-6th concluded.
- Over 50 kids participated in the gymnastics and tumbling program which was held on Saturday mornings at the Banneker gym.
- Routine winter maintenance of mowers and line trimmers continued over the month of February.
- Youth instructional basketball and youth basketball league concluded. We received many compliments on the quality of our instructional program for our 6-7 year olds which focuses on fundamentals, such as dribbling, passing, shooting, and kids playing small 2/3 sided games.
- Advertising, interviews and selection of a new park technician were undertaken.
- Youth indoor soccer league concluded with 16 teams of kids aged 6-13 participating.
- "Doggie box" stations at the dog park were relocated from inside the park to the outside of the gates as you enter to encourage more use. An additional "doggie box" was installed in Bicentennial park.
- Staff met with the Lions Club to discuss grant opportunities for the coming year.

PLANNING & ECONOMIC DEVELOPMENT

Enforcement & Inspections Division

Code Enforcement Case Activity

New Cases: 18

Closed Cases: 25

Open at Start of Month: 97

Open at End of Month: 90

Code Enforcement Violation Activity

Abandoned Vehicle: 5

Dangerous Tree: 2

Furniture: 2

Generic: 1

Property Maintenance: 6

Rubbish & Garbage: 2

Weeds & Grass: 0

Zoning Use: 0

Total: 18

Rental Inspections Performed: 0

Rental Licenses Issued: 424

Vendor Licenses Issued: 0

Contractors Licenses Issued: 52

Building Permits Issued

Commercial Foundation: 0

Commercial Building Permit: 8

Demolition: 0

Residential New Construction: 2

Residential Renovation/Accessory Structure: 3

Roof/Siding: 4

Solar Panels: 4

Utility (Electric/Water): 3

Total: 24

Planning & Zoning Division

-Planning Commission approved the Final Site Plan submission for the Bayhealth Health Campus project at the February meeting.

-Planning Commission continued its work on updates to the Comprehensive Plan. The February workshop reviewed potential future land use changes, including those that would result in change of property zoning. Discussed City "Open Space" areas and the possibility of pursuing a master plan for the Northeast Neighborhood.

PUBLIC WORKS DEPARTMENT

Administration

Met with architect and HVAC engineers on possible improvements to the PW facility.

Met with Matt Carter of University of Delaware regarding engineering intern opportunities with Milford.

Met with DELDOT and DBF regarding truck traffic on Walnut Street.

Finalized new vehicle logos for all PW vehicles.

Investigating new uniforms using ANSI 3 reflective striping.

Reviewed various PW department reorganization schemes including cost analysis.

Electric Division

Power Outages: None.

Poles replaced due to either age, rot or damage: 1

Closed Work Orders: 4

Trouble Service Calls: 23

New Electric Services Installed: 4

Preventative Maintenance/Trees Trimmed: 7

Miss Utility Locates: 104

Completed lights and bases at Touch of Italy parking lot.

Negotiations held with International Brotherhood of Electric Workers (IBEW)

Removed Christmas lights.

Water & Wastewater Division

Completed water line for Touch of Italy.

Dealt with various problems at SE Water Tower and well facility, including high chlorine and discolored water.
 Assisted Town of Greenwood with a repair band on water leak, water and sewer inspections.
 Removed hydrant on SE Second Street.
 Repaired service line at Silver Hill Apartments
 Repaired water leak at 101 Valley Drive.
 Repaired sewer back up at Valley Run Apartments.

Streets & Solid Waste Division

Bulk Pick Ups: 15
 Additional Containers: Trash-0; Recycle-0; Yard Waste-0
 Service Terminated: 0
 Change Container Size: 2
 Damaged/Replaced Container: 4
 After Hours Calls: 0

Cleaned, backfilled new curb and filled island with topsoil at Touch of Italy.
 Met with consulting engineer regarding upcoming Airport Road repaving project.
 Cold patch laid on several streets.
 W Clarke Ave curb painted.
 No Parking signs installed along East and Eighth Streets intersection.
 Leaf vacuum truck was cleaned and stored for the season.
 Storm drains cleaned throughout city.

SOLID WASTE/RECYCLING MONTHLY DIVERSION REPORT

March 2017

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	<u>TOTAL</u>	<u>DIVERSION</u>
<i>Nov-16</i>	249.43	45.97	36.82	33.00	365.22	31.7%
<i>Dec-16</i>	253.19	72.99	36.27	36.27	398.72	36.5%
<i>Jan-17</i>	262.81	51.05	34.26	16.34	364.46	27.9%

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	<u>TOTAL</u>	<u>DIVERSION</u>
2014	3206.04	645.88	243.90	472.08	4567.90	29.8%
2015	3077.95	642.20	259.49	446.27	4425.91	30.5%
2016	3104.05	651.45	415.39	462.27	4633.16	33.0%
**2017 (YTD)	262.81	51.05	34.26	16.34	364.46	27.9%



DOWNTOWN DEVELOPMENT DISTRICT PROGRAM

To all property owners, business owners and potential investors, earn up to **20% cash** rebates on downtown investments. Receive City fee waivers and tax abatements. Earn Historic Preservation Tax Credits.

Investors have received or reserved over **\$500,000** in State and local cash incentives since September 2016 for **\$3,000,000** in private investments.

Visit our website www.cityofmilford.com/DDD for more program information and useful links. Use our Interactive Mapping Application to research available properties and review current projects.

CONTACTS

Delaware State Housing Authority Penny Pierson 302-739-4263 penny@destatehousing.com	City of Milford Rob Pierce 302-424-8396 rpierce@milford-de.gov
State Historic Preservation Office Joan Larrivee 302-736-7406 Joan.larrivee@state.de.us	Downtown Milford, Inc. 302-839-1180 director@downtownmilford.org



OPEN HOUSE PLANNED FOR AIRPORT ROAD REPAVING PROJECT

Starting this spring, the City of Milford will begin stabilization work on Airport Road with the final paving of the roadway planned for late summer. The work will necessitate a rolling roadway closure that will affect access to your business/residence.

A public meeting on the planned roadway work & closure is set for 3:00 p.m. to 6:00 p.m., Wednesday, March 22, at the Milford Public Works Facility, 180 Vickers Drive, Milford, DE 19963.

A formal 15 minute presentation of the roadway & closures will be conducted at 3:30 p.m. and repeated again at 5:00 p.m. While the public is invited to either session, commercial properties will be the primary focus from 3:00-4:30 p.m. and residential properties from 4:30-6:00 p.m.

Please call the Public Works Department at 302-422-1110 for more information.

Thank You...

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: JANUARY 2017

Cash Balance - General Fund Bank Balance	\$3,898,799
Cash Balance - Electric Fund Bank Balance	\$3,401,860
Cash Balance - Water Fund Bank Balance	\$1,432,447
Cash Balance - Sewer Fund Bank Balance	\$1,542,199
Cash Balance - Trash Fund Bank Balance	\$304,890

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	363,721	1,189,410	1,880,604	0
Deposits	47,824	56,612	29,999	
Interest Earned this Month	176	566	849	
Disbursements this Month	(24,503)		(41,666)	
Investments				250,000
Ending Cash Balance	\$387,218	\$1,246,588	\$1,869,786	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	1,587,934	7,175,502	3,492,355	6,907,479
Deposits				
Interest Earned this Month	8,245	36,865	18,120	35,273
Disbursements this Month			(1,035)	(3,200)
Investments	250,000			
Ending Cash Balance	\$1,846,179	\$7,212,367	\$3,509,440	\$6,939,552

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	\$1,559,937	999,814	459,665	453,804
Deposits	31,512	16,656	9,000	
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	\$1,591,449	\$1,016,470	\$468,665	\$453,804

INTEREST THROUGH THE SEVENTH MONTH OF THE FISCAL YEAR:

General Fund	13,316	Water Fund	4,748
GF Capital Reserves	8,942	Water Capital Reserves	39,943
Municipal Street Aid	2,919	Sewer Fund	3,933
Real Estate Transfer Tax	4,392	Sewer Capital Reserves	19,638
Electric Fund	9,492	Trash Fund	4,484
Electric Reserves	38,212		

TOTAL INTEREST EARNED TO DATE \$150,019

REVENUE REPORT

Page Two

58% of Year Expended

Date: January 2017	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Economic Development Fund	201,255	0	98,000	48.69%
General Fund Reserves	411,000	16,680	16,680	4.06%
Realty Transfer Tax-Police	500,000	41,667	291,667	58.33%
Real Estate Tax	3,762,970	10,752	3,764,680	100.05%
Business License	106,250	18,500	24,425	22.99%
Rental License	85,000	41,450	49,200	57.88%
Building Permits	75,000	15,536	65,463	87.28%
Planning & Zoning	15,000	700	12,226	81.51%
Grasscutting Revenue	16,000	0	16,000	100.00%
Police Revenues	440,000	75,789	293,608	66.73%
Misc. Revenues	272,820	29,088	128,803	47.21%
Transfers From	3,300,000	275,000	1,925,000	58.33%
Total General Fund Revenues	\$9,185,295	\$525,162	\$6,685,752	72.79%
Water Revenues	2,730,500	210,759	1,662,474	60.89%
Sewer Revenues	2,506,500	191,541	1,517,660	60.55%
Kent County Sewer	1,850,000	131,522	1,071,151	57.90%
Solid Waste Revenues	1,360,440	114,111	799,856	58.79%
Electric Revenues	24,925,790	2,232,316	15,488,411	62.14%
TOTAL REVENUES	\$42,558,525	\$3,405,411	\$27,225,304	63.97%
YTD Enterprise Expense		36,532		
YTD Enterprise Revenue		48,175		
LTD Carlisle Fire Company Building Permit Fund		242,120		

EXPENDITURE REPORT

Page Three

Date: January 2017

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	461,930	\$37,252	266,235	57.64%	195,695
O&M	259,095	\$11,404	74,185	28.63%	184,910
Capital	0	\$0	0		0
Total City Manager	\$721,025	\$48,656	\$340,420	47.21%	380,605
Planning & Zoning					
Personnel	184,400	\$14,340	101,358	54.97%	83,042
O&M	67,975	\$4,682	32,900	48.40%	35,075
Capital	0	\$0	0		0
Total P, C & I	\$252,375	\$19,022	\$134,258	53.20%	118,117
Code Enforcement & Inspections					
Personnel	225,210	\$11,258	84,250	37.41%	140,960
O&M	69,290	\$1,350	26,182	37.79%	43,108
Capital	25,000	\$0	0	0.00%	25,000
Total P, C & I	\$319,500	\$12,608	\$110,432	34.56%	209,068
Council					
Personnel	31,225	\$1,526	16,717	53.54%	14,508
O&M	44,650	\$4,050	20,772	46.52%	23,878
Council Expense	17,000	\$145	14,069	82.76%	2,931
Contributions	206,000	\$140,000	206,000	100.00%	0
Codification	9,500	\$1,132	6,196	65.22%	3,304
Employee Recognition	11,000	\$0	9,656	0.00%	1,344
Insurance	21,740	\$0	19,636	90.32%	2,104
Christmas Decorations	15,000	\$0	10,355	69.03%	4,645
Economic Development	15,000	\$1,000	1,096	7.31%	13,904
Resident Survey	15,000	\$0	0	0.00%	15,000
Armory Expenses	10,000	\$179	11,281	112.81%	(1,281)
Total Council	\$396,115	\$148,032	\$315,778	79.72%	80,337
Finance					
Personnel	418,395	\$35,774	226,527	54.14%	191,868
O&M	62,270	\$7,429	33,973	54.56%	28,297
Capital	0	\$0	0		0
Total Finance	\$480,665	\$43,203	\$260,500	54.20%	220,165
Information Technology					
Personnel	148,680	\$11,085	78,672	52.91%	70,008
O&M	177,450	\$5,216	57,151	32.21%	120,299
Capital	55,000	\$4,339	51,855	94.28%	3,145
Total Information Technology	\$381,130	\$20,640	\$187,678	49.24%	193,452

EXPENDITURE REPORT

Page Four

Date: January 2017

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,944,180	\$296,390	2,280,118	57.81%	1,664,062
O&M	507,360	\$30,057	272,661	53.74%	234,699
Capital	71,600	\$2,885	65,742	91.82%	5,858
Total Police	\$4,523,140	\$329,332	\$2,618,521	57.89%	1,904,619
Streets & Grounds Division					
Personnel	476,960	\$41,303	233,252	48.90%	243,708
O&M	407,905	\$30,695	192,692	47.24%	215,213
Capital	211,000	\$0	0	0.00%	211,000
Debt Service	16,475	\$0	15,523	94.22%	952
Total Streets & Grounds	\$1,112,340	\$71,998	\$441,467	39.69%	670,873
Parks & Recreation					
Personnel	605,635	\$43,260	356,834	58.92%	248,801
O&M	267,370	\$13,060	140,144	52.42%	127,226
Capital	126,000	\$2,029	40,929	32.48%	85,071
Total Parks & Recreation	\$999,005	\$58,349	\$537,907	53.84%	461,098
Total General Fund					
Operating Budget	\$9,185,295	\$751,840	\$4,946,961	53.86%	4,238,334

EXPENDITURE REPORT

Page Five

Date: January 2017

58% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	314,350	\$33,400	183,767	58.46%	130,583
O&M	1,111,675	\$49,110	561,068	50.47%	550,607
Capital	402,730	\$0	9,407	0.00%	393,323
Debt Service	901,745	\$0	289,809	32.14%	611,936
Total Water	\$2,730,500	\$82,510	\$1,044,051	38.24%	1,686,449
Sewer Division					
Personnel	314,350	\$33,400	183,759	58.46%	130,591
O&M	1,144,955	\$108,084	562,561	49.13%	582,394
Capital	434,725	\$0	0	0.00%	434,725
Debt Service	612,470	\$12,736	199,635	32.60%	412,835
Sewer Sub Total	\$2,506,500	\$154,220	\$945,955	37.74%	1,560,545
Kent County Sewer	1,850,000	\$131,523	1,071,151	57.90%	778,849
Total Sewer	\$4,356,500	\$285,743	\$2,017,106	46.30%	2,339,394
Solid Waste Division					
Personnel	401,470	\$25,989	196,860	49.03%	204,610
O&M	697,970	\$51,249	401,038	57.46%	296,932
Capital	261,000	\$0	0	0.00%	261,000
Total Solid Waste	\$1,360,440	\$77,238	\$597,898	43.95%	762,542
Total Water, Sewer Solid Waste	\$8,447,440	\$445,491	\$3,659,055	43.32%	4,788,385
Electric Division					
Personnel	1,254,300	(\$66,975)	691,416	55.12%	562,884
O&M	1,775,045	\$130,501	989,060	55.72%	785,985
Transfer to General Fund	2,500,000	\$208,333	1,458,333	58.33%	1,041,667
Capital	450,000	\$30,713	31,291	6.95%	418,709
Debt Service	346,445	\$0	0	0.00%	346,445
Electric Sub Total	\$6,325,790	\$302,572	\$3,170,100	50.11%	3,155,690
Power Purchased	18,600,000	\$1,545,034	11,232,793	60.39%	7,367,207
Total Electric	\$24,925,790	\$1,847,606	\$14,402,893	57.78%	10,522,897
TOTAL OPERATING BUDGET	\$42,558,525	\$3,044,937	\$23,008,909	54.06%	19,549,616

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: January 2017

ACCOUNT	AMOUNT BUDGETED	MTD	58% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	89,850	6,853	50,283	55.96%	39,567
O&M	78,135	5,567	44,862	57.42%	33,273
Capital	0	0	0		0
Total Garage Expense	\$167,985	12,420	\$95,145	56.64%	72,840
Public Works					
Personnel	199,550	16,750	107,068	53.65%	92,482
O&M	185,772	17,262	113,680	61.19%	72,092
Capital	21,708	0	21,708	100.00%	0
Total Public Works Expense	\$407,030	34,012	\$242,456	59.57%	164,574
Billing & Collections					
Personnel	532,230	41,648	298,648	56.11%	233,582
O&M	225,530	18,494	118,459	52.52%	107,071
Capital	0	0	0		0
Total Billing & Collections	\$757,760	60,142	\$417,107	55.04%	340,653
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	61,000	4,527	37,440	61.38%	23,560
Capital	0	0	0		0
Total City Hall Cost Allocation	\$61,000	4,527	\$37,440	61.38%	23,560

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



7850 Walker Drive
Greenbelt, MD 20770

February 21, 2017

Mr. Eric Norenberg
Milford
City Manager
201 S. Walnut Street
Milford, DE 19963

RE: Billing System Update

Dear Mr. Norenberg:

Comcast would like to advise you of our upcoming billing enhancement which will result in some changes for our customers in Milford. A copy of the communication being sent to our customers is enclosed for your reference.

If you should have any questions, please do not hesitate to contact me at (301) 836-9361.

Regards,

A handwritten signature in blue ink that reads "Yantee Neufville".

Yantee Neufville
Manager, Government & Regulatory Affairs

Enclosure

Residential Customer Notice:

Title: Important Information about Your Comcast Account

Beginning April 30, 2017, we will be upgrading our billing system to ensure that we are providing you the most accurate and timely statements possible. With this system enhancement, you may receive your paper bill statement on a later date and your payment due date may change to ensure you have ample time to make your payment.

What you need to know

You will see a new account number on your bill. If you have Comcast automatic bill payment services, your payments will automatically route to your new account according to the due date. If you pay using online banking, please notify your bank of your new account number and due date.

Your payment due date may change. If you are issued a new due date, and you pay your monthly bill via our automatic bill payment service, then your payment will be withdrawn from your bank account on the new date. If you pay your bill electronically through your bank, you may want to inform the bank of your new payment due date. Your new due date will not be earlier than your current due date, and it will be at least 23 days after your statement date each month.

You may receive your bill statement on a new date. You may receive your paper bill statement on a new date, or your statement may be available for viewing online on a new date.

For more information, please visit www.xfinity.com/billchange from any secure, Internet-connected computer or mobile device. If you have specific questions about your account, please call 1-800-XFINITY (934-6489) to speak to a customer service representative. We appreciate your business and thank you for choosing Comcast.



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, April 5th, 2017

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

LOCATION: Big Fish Grill
30415 Cedar Neck Road
Ocean View, DE 19930

TIME: 6:00 pm – Guest Social Hour w/ Appetizers
Bar Sponsored by Zelenkofske Axelrod LLC
6:30 pm - Dinner

HOST: Town of South Bethany

SPEAKER: Tony Pratt, DNREC

COST: \$35.00

MENU: **Stationary Appetizers:**
Big Fish Bruschetta, *with homemade garlic butter crostini*
Spinach & Artichoke Dip, *with homemade tortilla chips*
Artisan Cheese Platters, *assorted cheeses, dried fruits, charcuterie & crackers*

Buffett Dinner:
Grilled Big Fish Salmon, *served with lemon cream and Dijon cream*
Tuscan Lemon Grilled Chicken Breast, *served over roasted veggie cous cous*
Big Fish Shrimp Pennie, *sautéed jumbo shrimp tossed with fresh spinach, sautéed mushrooms, sundried tomatoes and basil served over penne in a light lobster sauce*
Cheesy Neva’s Potatoes
Herb Roasted Fresh Veggies
House Recipe Caesar Salad
Maggie’s Homemade Cookies

For reservations, please contact Dee, Renee, or Pam at **302-539-3653 EXT 218** or via email at townclerk@southbethany.org by March 30th 12NOON (limited seating up to 100).

Please make checks payable to the **Town of South Bethany**
402 Evergreen Road
South Bethany, DE 19930

Friday, April 7th, 2017 Legislative Breakfast at 9AM
CHEER CENTER, Georgetown

Mark your calendars now: Invitations out shortly!



Energy Efficiency Program Proposal for Milford, DE

Randy Corbin, American Municipal Power, Inc.
Dave Cawley, Efficiency Smart

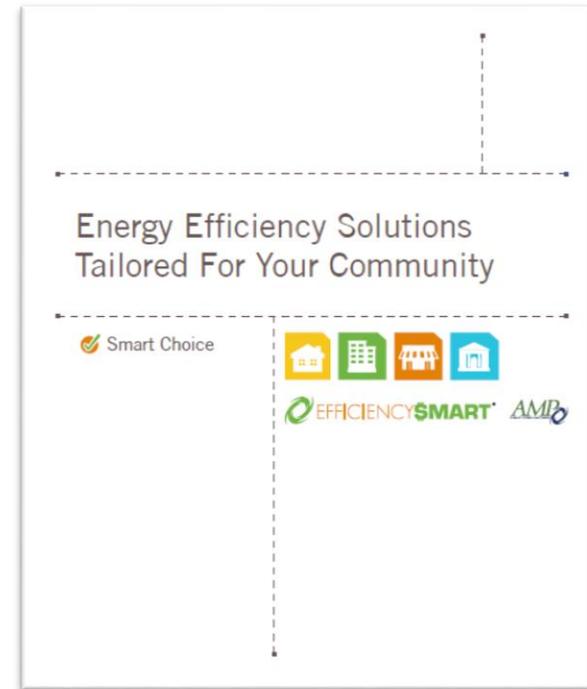
March 13, 2017

Overview

- Energy efficiency program proposal
- Benefits for the municipality and its customers
- Program flexibility
- Experience/reliability/guarantee
- DEMEC Cost proposal
- Key roles
- Prospectus

Energy Efficiency Program in Brief

- Product rebates
- Engineering services
- Account management
- Community engagement
- Marketing and promotions
- Customer service
- Performance tracking
- Evaluation, measurement and verification



Key Benefits for Municipalities

- Upgrade Municipal Facilities
 - LED streetlight conversion
 - Municipal Buildings
 - Water & Wastewater Treatment Plants
- Aid in Local Economic Development
 - Business retention and attraction
 - Support businesses and contractors

Benefits for Municipal Electric Systems

Enhance customer satisfaction

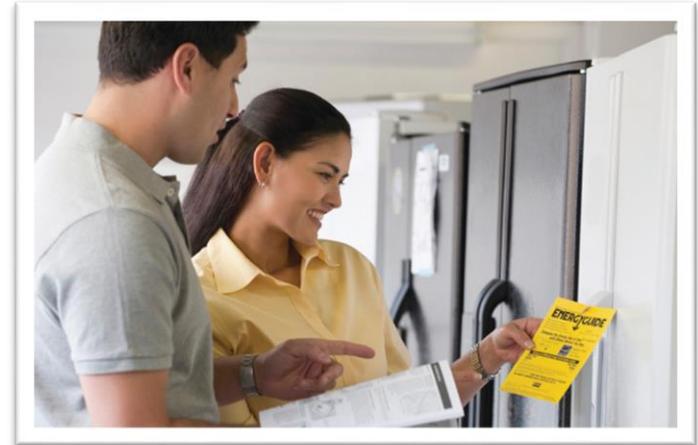
- Generate positive publicity
- Energy awareness for community events
- Address high bills
- Demonstrate sustainability

Reduce costs/verify results

- Cheaper than new power supply
- Reduces coincident peak
- Reduces T&D charges
- Defers T&D upgrades
- Ability to bid capacity savings into PJM

Key Benefits for Customers

- Rebates, Incentives and Discounts
- Technical Assistance
- Objective Information
- Account Management Services
- Customer Call Center



Customized for Your Community

Services

- Community-specific savings targets
- Ability to prioritize
- Promotions to drive sales at local businesses
- Participation in community events



Experience/Reliability/Guarantee

- Completing 6 years, 54 municipalities served
- Lifetime savings achieved
 - 2.4 million MWh
 - 27 MW peak demand
 - \$200 million customer savings
- Evaluation, measurement and verification
 - Meets national standards
 - Qualified for PJM auction
 - High realization rates
- ***Guarantee 70% of MWh savings target***

Efficiency Smart = *Proven Performance*

- AMP communities continuing to ninth year of participation
- New services continually under development
- Will help to leverage DE state programs for DEMEC members and their constituents

“Efficiency Smart is one of the best tools I have for economic development. Its staff is responsive, diligent, and works hard to save businesses in Bowling Green energy and money.”

- Suzanne Clark
Exec. Director, Bowling
Green Community
Development Foundation

Benefit & Cost Proposal for Efficiency Smart Services

		Basic Performance All DEMEC Members	Basic Performance All DEMEC Members Except Dover
Service type		Comprehensive; save 0.25% of retail sales annually	Comprehensive; save 0.25% of retail sales annually
Benefits	Annual MWh savings at the end of three years	14,630	9,220
	Coincident kW Peak Demand Savings at the end of three years	2,190	1,395
	Lifetime Customer Savings	\$17.6 million	\$11.2 million
	Avoided energy, T&D Costs	\$12.2 million	\$7.8 million
Costs	Three-year program cost estimate	\$5,226,740	\$3,353,660
Benefit to Cost Ratio		2.32 to 1	2.32 to 1

Roles

DEMEC	AMP	VEIC
<ul style="list-style-type: none"> > Contracts for services > Establishes agreements with DEMEC members > Collects fees for program > Pays contractor invoices > Reviews program performance > Provides liaison with State of Delaware > Bids capacity into PJM FCM market 	<ul style="list-style-type: none"> > Serves as prime contractor for services > Manages subcontractors <ul style="list-style-type: none"> • Implementation • Evaluation, measurement and verification > Submits invoices to DEMEC > Oversees program design and implementation > Certifies program results > Integration with other DE efficiency programs 	<ul style="list-style-type: none"> > Serves as subcontractor to AMP > Delivers program services <ul style="list-style-type: none"> • Program design • Program implementation • Technical services • Marketing and promotions • Account management • Rebate and incentive fulfillment • Data tracking and reporting • Customer service and hotline • Municipal MWh savings guarantees • Vendor and trade ally relationships



**PROSPECTUS FOR ENERGY EFFICIENCY SERVICES FOR
MILFORD
FROM EFFICIENCY SMART - MARCH 2, 2017**

Profile				Terms of Offer
	Annual MWh Sales ¹	Quantity of Meters	% of Annual MWh Sales	
Residential	67,563	5,852	30%	<p>Information in this prospectus is provided by Efficiency Smart, a proposed program to provide energy efficiency services for DEMEC members, managed by American Municipal Power, Inc. (AMP), on behalf of DEMEC. The information provided in this prospectus does not constitute a legal document or an agreement between the community and DEMEC. The pricing and estimated energy efficiency savings provided in this document are intended to be illustrative and indicative for the purpose of aiding the community understanding of the services that are offered. Community information presented this document is based on information provided to DEMEC as of January, 2017. Communities that wish to obtain more information about Efficiency Smart Services are encouraged to visit the Efficiency Smart website, www.energysmart.org or contact Scott Lynch, CEM, Vice President, Asset Development Delaware Municipal Electric Corporation, Phone: 302-653-2733, slynch@demeccinc.net</p>
Commercial	60,207	1,339	27%	
Industrial	95,490	16	43%	
Other	0	0	0%	
Total	223,259	7,207	100%	

¹ MWh sales are based on annual DEMEC wholesale figures applied to percentage of retail MWh sales as reported by DEMEC member.



DEMEC

DELAWARE MUNICIPAL ELECTRIC CORPORATION

**PROSPECTUS FOR ENERGY EFFICIENCY SERVICES FOR
MILFORD
FROM EFFICIENCY SMART - MARCH 2, 2017**

Selected Services

Item	Service	Description	Markets Served	Term of Service	Service Type	Cost Basis
3	Basic Performance Comprehensive	Reduce Electric Wholesale MWh by 0.25% Annually; Full Services	Residential, Commercial, Industrial	3-Year Contract	Performance-Based Services with Guarantees	\$0.90 per MWh of Annual Wholesale Sales



DEMEC

DELAWARE MUNICIPAL ELECTRIC CORPORATION

**PROSPECTUS FOR ENERGY EFFICIENCY SERVICES FOR
MILFORD
FROM EFFICIENCY SMART - MARCH 2, 2017**

Selected Services

Item	Service	Annual Cost	Term Cost	Term MWh Savings	Lifetime MWh Savings	Lifetime Benefits	Benefit/Cost Ratio	Levelized Cost
3	Basic Performance Comprehensive	\$200,933	\$602,800	1,674.4	19,783.4	\$1,197,923	1.99	\$30.47
	Total	\$200,933	\$602,800	1,674.4	19,783.4	\$1,197,923	1.99	\$30.47

Thanks for Your Consideration

Randy Corbin

Assistant VP for Energy Efficiency
American Municipal Power, Inc

rcorbin@amppartners.org

614-540-0844

Dave Cawley

Business Development Manager
Efficiency Smart

dcawley@efficiencysmart.org

877-889-3777 ext 7723

THE FEVE



OBERLIN, OHIO

Efficient Lighting and Refrigeration Project

The Feve is a two-story restaurant and bar located in Oberlin, Ohio. The restaurant provides a dining experience for any mood, offering table service on its main floor and a more casual environment on the top floor. Since opening in 1992, the Feve has become a popular place in the community to enjoy a meal with friends and family.

PROJECT GOALS:

Reduce the energy consumption and operating expenses of the restaurant.

SOLUTION:

Install efficient refrigeration units and fixtures that use light-emitting diodes (LEDs).

PROJECT SUMMARY:

In 2013, the Feve utilized Efficiency Smart's Business Energy Rebates (BER) program to complete an efficient lighting and refrigeration project. Selecting energy-efficient technology recommended through the rebate application, the restaurant replaced its existing incandescent light bulbs with LEDs, and also replaced its walk-in refrigeration unit with three upright reach-in refrigerators.

Efficiency Smart provided a rebate for the project, helping reduce the payback period on the efficient upgrades. The Feve was able to install LED lights that not only saved on electric and maintenance costs, but also accentuated the presentation of its food offerings. In addition, the newly installed refrigeration units met the needs of the restaurant while successfully cutting its expenses.

“Working with Efficiency Smart on our efficient upgrades was easy. The team's advice and communication ensured that we got the most energy savings out of the project, and we received our rebate check in a timely manner. After realizing the benefits of the efficient upgrades at the restaurant, I also took advantage of Efficiency Smart's residential rebates for my home.”

—Matt Adelman

Co-owner, The Feve



PROJECT FACTS AT A GLANCE

Annual kWh Savings:

73,400

Annual Cost Savings:

\$6,600

Lifetime Cost Savings:

\$27,600

Simple Payback:

1.43 years

Annual CO₂ Reduction:

142,900 pounds

PROJECT PARTNERS

Matt Adelman

Co-owner

The Feve

Steve Dupee

Utility Director

City of Oberlin

Doug McMillan

Energy Services & Sustainability Manager

City of Oberlin

BRAIDO FOODS LLC



OBERLIN, OHIO Efficient Lighting and Refrigeration Project

Braido Foods LLC (also known as Oberlin IGA) is a family-owned grocery store that takes pride in providing high quality foods, friendly service, and great prices. Located in Oberlin, Ohio, the store provides the local community a convenient one-stop shop to find everything from everyday essentials to specialty items.

PROJECT GOALS:

Improve energy efficiency throughout the grocery store.

SOLUTION:

Install efficient lights, refrigeration doors, and refrigerated cases.

PROJECT SUMMARY:

Leo Braido has made energy efficiency a priority at his grocery store since he purchased it in 2014. The store owner has worked with Efficiency Smart to replace the existing lights throughout the store, under the building soffit, the reach-in cooler, and the exterior wall-pack with LEDs. New energy-efficient refrigerators and zero-energy doors were also installed in refrigeration units.

An Efficiency Smart energy consultant worked with Braido Foods and its contractors to review the project and to validate the energy savings from the project. As a result of the upgrades, Braido Foods now consumes less electricity with much more efficient LED lighting and refrigeration units.

“Our energy efficiency projects went very well thanks to Efficiency Smart’s expertise. The results have been very positive for the store.”

–Leo Braido
Owner, Braido Foods LLC



PROJECT FACTS AT A GLANCE

Annual kWh Savings:
196,800

Annual Cost Savings:
\$17,100

Lifetime Cost Savings:
\$198,000

Simple Payback:
4.38 years

Annual CO₂ Reduction:
346,500

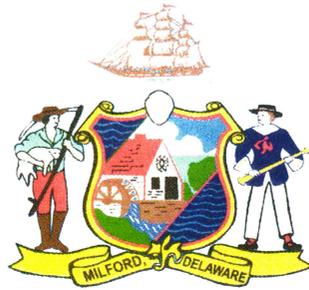
PROJECT PARTNERS

Leo Braido
Owner
Braido Foods LLC

Steve Dupee
Utility Director
City of Oberlin

Doug McMillan
Energy Services &
Sustainability Manager
City of Oberlin

City of Milford



03-13-2017

Notice is hereby given the following residents have been appointed as members of the City of Milford Election Board for the 2017 City of Milford Election on April 22, 2017:

City of Milford Election Board:

Karen Boone	402 N.E. Fourth Street
Joanne Leuthauser	509 Ashley Way
Katrina White	203 Allen Way

For additional information, please contact the City Clerk's Office at 302-422-1111.

03/13/17

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 13, 2017

A Meeting of the City of Milford Parks and Recreation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, February 13, 2017.

PRESIDING: Chairman Arthur Campbell

IN ATTENDANCE: Committee Member: Councilman Owen Brooks Jr.

MAYOR & COUNCIL: Mayor Bryan W. Shupe
Councilmember James Burk

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

Chairman Campbell called the Committee Meeting to order at 6:03 p.m.

Parks and Recreation Director Brad Dennehy was also in attendance.

City Manager Norenberg advised that the first two items on the agenda are intertwined and the first and third items will need a recommendation by the Committee for the Council meeting later this evening.

Review and Recommendation/Proposed Parks and Recreation Logo

Status Report/Spring Recreation Programs

Mr. Dennehy reported it has been forty years since the Parks and Recreation Department was founded. His staff recently began discussing the programming and park use to make sure what they are doing is relevant. As a result, some programs have been eliminated and a few new ones added.

He is presenting the debut of the new logo that symbolizes the Bicentennial Pedestrian Bridge and the connection of Kent and Sussex Counties, old to new, etc. The new logo is similar to the newest City logo that was designed by Muldrow and Associates, as well as that of the Milford School District. A new tag line 'play*connect*grow' was also added.

Mr. Dennehy reported that another designer created a second logo though they did not understand what they were trying to achieve though he did like the manner in which the bridge was incorporated. Several other designs were also considered.

When Chairman Campbell questioned the possibility of the other designs, Mr. Dennehy explained that his staff took a vote and the consensus was to choose the logo he is presenting this evening. He also liked the idea of using the soccer ball though it would not represent their other programs that include basketball, swimming, gymnastics and tumbling. The logo will be used with various color schemes.

Chairman Campbell then asked if the sponsor of each team pays for the shirts; the Director explained that Parks and Recreation does not have sponsors as Milford Little League does. He then compared the program costs of \$40 to \$50 which he feels is very competitive when compared to little league's fee of \$110.

Mr. Dennehy explained that a sponsorship was offered through their adult softball league many years ago though that program was eliminated due to a number of problems they encountered.

Chairman Campbell reported that various Lions Clubs sponsor a number of youth teams and typically pay for the shirts.

Mr. Dennehy said his department chose to pursue grants through the various civic organizations that are used for scholarships. He suggested the Lions Club donate to the program in that manner.

Councilman Brooks recalled when Parks and Recreation turned their t-ball program over to Milford Little League and reiterated that they no longer have any softball programs.

City Manager Norenberg then suggesting that Parks and Recreation consider a commercial sponsorship. Chairman Campbell feels that would a smaller burden on both the young participants and their parents as well as Parks and Recreation. It is also a great way for that business to advertise throughout the season.

Mr. Dennehy reiterated that while that was done in the past, but he is unfamiliar with the reason it was discontinued.

Chairman Campbell recommends it be considered. Mr. Brooks also recalled the men's basketball league and softball leagues through Parks and Recreation had various sponsorships.

Mr. Dennehy said he is only asking for a recommendation of the new logo so that the new spring brochure can be printed. He recalled that the previous one-sided brochures were very bland with one-color and no photos. However, last fall, new colorful brochures were designed that included photos of previous programs.

It was agreed the new brochures are more attractive and the different programs are easier to distinguish.

He would like for Council to approve the design this evening so they can provide the schools with the brochures the first week in March.

Councilman Brooks asked what would be the best shirt color for the Milford Parks and Recreation logo; Mr. Dennehy said a light gray, white or beige shirt looks good. However, they may use a red shirt or other color with white lettering.

Councilman Brooks feels that ever though this is the Parks and Recreation Committee, he does not feel the Committee should make the decision and prefers Council decide.

City Manager Norenberg explained that this is being presented for a recommendation which will be presented during the regular Council meeting later this evening. The same information will be shared with City Council before a vote is taken.

Mr. Dennehy agreed he is only looking for a recommendation of the logo and not the color scheme. The design consists of the representation of the bridge and the tag line.

Councilman Brooks stressed the need to be able to read the font. He asked that the print be different from the shirt color. He also does not like the one design with the children playing by the bridge near the water because of what could happen. Nor does he care for the one showing the person fishing.

The Parks and Recreation Director agreed that is the reason his staff prefers keeping it simple and aligned with the City of Milford and Milford School District logos. He said the old logo had a tent, fish and canoe that does not accurately represent Milford.

He then pointed out that some programs have been added including yoga and tennis. Mr. Brooks said he was aware the tennis program would be at Milford High School this year. Mr. Dennehy explained they are trying to use the high school and central academy facilities as much as possible and more than in the past. Banneker School is also used for basketball practice even though they remain under contract with the Boys and Girls Club.

Parks and Recreation Director Dennehy said he is only looking for a recommendation to approve the logo that would be used in the spring brochure. He emphasized that timing is somewhat critical because of the print deadline for the two-sided brochure. Their goal is to have it printed this spring so it can be distributed to the schools in early March.

Councilman Brooks asked if Mr. Dennehy prefers the badges or stickers; Mr. Dennehy reiterated the logo he is suggesting has the tag line.

Chairman Campbell moved to recommend the logo that Mr. Dennehy presented so that his pamphlets can be printed as soon as possible. Motion seconded by Councilman Brooks and carried.

Mr. Dennehy said he is pleased and looks forward to getting the new logo out to the public and letter each of the Department's trucks.

Bid Award/Parks and Recreation/Milford Kayak Launch (Conditional Approval)

City Manager Norenberg reported this project has received financial backing from Senator Gary Simpson.

Parks and Recreation Director Dennehy stated that the project fits in well with the downtown vision that Muldrow presented. It was determined during that process that more activities were needed on the river, whether it is kayak or pedal board races, canoe rentals or a cardboard regatta.

He recalled that Parks and Recreation sponsored a kayak race as part of the Bug and Bud Festival. They felt it was at the wrong time of year because the water was still cold in April. In lieu of that race, a cardboard regatta is being planned for the children.

Mr. Dennehy feels that another floating dock will be needed for the regatta and found the most appropriate area was behind Arena's Restaurant. They have met with the Army Corp of Engineers and the Coast Guard and all permits have been filed. City Council approved half of the funding and Mr. Dennehy was directed to find funding for the other half.

Since that time, they tried to find other funding sources. Recently City Manager Norenberg was approached by Senator Gary Simpson who inquired about any shovel-ready projects that may be eligible for the Community Transportation Funding (CTF). Because this was ready to proceed, Senator Simpson offered \$75,000.

According to Mr. Dennehy, no bids were received during the first round of bidding due to the problems with utilities in the area.

The project was bid a second time by Matt Spong of Landscape Architectural Services. One bid from Droney Marine Construction Incorporated was received in the amount of \$72,842 which is below the budget thanks to Senator Simpson's offer.

Mr. Dennehy then added this would be a little contingent on obtaining some signatures from Senator Simpson's office.

City Manager Norenberg then explained that procedurally, the CTF money that comes from State Legislators has to go through the CTF process via DELDOT. They will not initiate that until the City had solid bids in hand. When he returned from vacation, Mr. Norenberg forwarded the proposal. At the same time, the Deputy Attorney General (DAG) that oversees this process has been out of town but returns to the office on Wednesday. Once it has been confirmed, the project is an eligible expense, the agreement will be created and signatures obtained.

As a result, City Council will be later asked to award the project subject to the Attorney General's approval and CTF activation.

At this point, they are only asking for a recommendation from the Committee that City Council allow the project proceed as discussed.

Chairman Campbell asked if a lifeguard is needed for river or creek events involving more than eight or ten children/person. He believes it may be required by the State of Delaware Water Safety Rules.

Mr. Dennehy is unfamiliar with that requirement and has had several programs using the floating dock but was never required to have a lifeguard.

Chairman Campbell recommends that be checked and the appropriate funds set aside should that be necessary. Mayor Shupe said he is only aware of the mandate that life rings be placed throughout the river in various locations. He recalled Carlisle Fire Company funded the life rings that currently exist.

The Mayor agrees there is a floating dock by the dog park and recalled the river race in which no lifeguard was needed. Chairman Campbell understands but encourages Mr. Dennehy to at least look into that possibility.

Mr. Dennehy informed Chairman Campbell they are compliant with all the State-funding requirements, as well as the Army Corp of Engineers and the Coast Guard. None have mentioned a lifeguard requirement during the process.

Councilman Brooks agrees with Chairman Campbell that it be considered because it is a safety factor.

Councilman Brooks moved to recommend the bid be awarded to Droney Marine Construction Company in the amount of \$72,842 that Senator Simpson plans to budget out of his CTF funds sometime after Wednesday. Motion seconded by Chairman Campbell. Motion carried.

Chairman Brooks reiterated the importance of checking whether or not a lifeguard is needed because safety comes first. Chairman Campbell agreed that is part of the Ellis Aquatic Safety Rules unless the law was changed.

There being no further business, the Parks and Recreation Committee was adjourned at 6:31 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 13, 2017

A Meeting of the City of Milford Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, February 13, 2017.

PRESIDING: Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Member: Councilman Douglas Morrow

MAYOR & COUNCIL: Mayor Bryan W. Shupe

Councilmembers Arthur Campbell and James Burk

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

Chairman Brooks called the Committee Meeting to order at 6:32 p.m.

Public Works Director Mark Whitfield was also in attendance.

Recommendation/Budget transfer/Solid Waste Capital/Downtown Dual Waste/Recycling Containers Purchase

City Manager Norenberg recalled that earlier this year, the City applied for two different grants through the State of Delaware Recycling Program. Both were partially funded.

The first was applied for just prior to the Public Works Director being hired, though he has been working on the results to acquire eighty dual garbage and recycling containers that can be placed downtown and in the park areas to better educate and make recycling available to the public.

Public Works Director Whitfield recalled the City received a grant for half of the eighty containers or forty containers. At the same time, the one-man refuse collection truck proposal came in at roughly \$40,710 under budget.

As a result, he is requesting to use that savings to purchase the remaining forty dual trash/recycling containers for the downtown, city parks, cemeteries, parking lots and the riverwalk.

Chairman Brooks said he spoke with the City Manager earlier today and asked if he felt that all eighty containers were needed or if forty would suffice. The Public Works Director feels that would be a start. He added that the Parks and Recreation Director has already found locations for the eighty containers though forty would give them a good start.

Mr. Whitfield pointed out the importance of providing the information at the same time the ability to recycle is made available. That should encourage more people to recycle, not only in the parks, but in their homes as well.

Mayor Shupe asked if the grant covers forty dual containers or just recycling bins; City Manager Norenberg clarified that the grant covers the recycling portion of the project which is the reason that only half of the funding was awarded. It will allow the purchase of either eighty recycling-only containers or we can supplement the recycling funding by using City monies to make up the difference to purchase all eighty dual containers.

Mr. Norenberg further explained that because the City's project included both garbage and recycling, funding was only received for the recycling portion. At the time the award was made, the City was granted enough time to identify any alternative funding to cover the remaining costs. This funding opportunity arose as a result of the collection vehicle coming in under budget which saved \$40,710.

He said there are concerns about separate garbage and recycling containers scattered at various locations and whether this would encourage people to discard items in the nearest container regardless of whether or not it was the correct container. In this manner, both would be available.

Mr. Norenberg reiterated the Public Works' recommendation was to purchase the dual containers. Some of the older garbage containers have already been replaced and the hope is to provide side by side containers that are attractive and match.

Mayor Shupe asked how much forty dual containers will cost; Mr. Whitfield stated approximately \$20,000.

The Mayor feels that making recycling available is great but once we start reviewing the budget, \$40,000 may be a number that is needed this year.

It was confirmed this will only pay for the recycling portion of the forty dual containers or approximately \$20,000.

Mr. Norenberg emphasized that general fund monies would not be used for this project. From a budgetary standpoint, these funds would have to come from the enterprise program as is done with equipment needed for the solid waste program.

Chairman Brooks asked if this money could be used to purchase new trash containers; Mr. Whitfield explained that there are replacement containers budgeted each year.

Chairman Brooks feels we are going to have a tight budget this year and we should only purchase forty containers if that will work.

Mr. Norenberg explained that if only forty are approved, they will work with the State of Delaware to obtain half the grant award and match it with \$20,000 in City funds through the savings of the collection vehicle. He feels they may be able to negotiate doing this in two phases, the first covering the forty dual containers. That will allow time to see how they look and are working within the community. If Council wants to proceed and accept the balance of the grant award before the expiration date in September, they could fund the other \$20,000 and do the second phase. However, that may be a little more expensive because the City would only be purchasing half and the quote may need to be updated.

Councilman Morrow confirmed that half the grant money would need to be returned.

When asked for his opinion, Mayor Shupe is unsure if we will need additional monies from the enterprise funds for that department next year. He asked if this decision can be postponed until June; Mr. Norenberg reiterated that the City has until September to spend the grant money.

Mayor Shupe said he is very concerned with the upcoming budget which is going to be very tight.

Councilman Morrow moved to recommend spending only \$20,000 of the leftover funds for half the containers and reviewing the possibility of purchasing the additional containers after the budget has been approved, seconded by Chairman Brooks. Motion carried.

Update/Water & Sewer Line Replacement/NE and NW Front Streets/Rehabilitation Project & Funding

Public Works Director Whitfield reported that DelDOT is planning to work on both Northeast and Northwest Front Street during Fiscal Years 2018 and 2019. The City wanted to review the condition of both the sewer and water lines prior to that construction work.

He then explained some issues encountered on Rehoboth Boulevard. Many times a vibratory roller running over transite pipe will result in numerous water leaks which is what happened after DelDOT repaved Rehoboth Boulevard.

The City prefers to get ahead of that and replace the water line. The waterline replacement being proposed would include the removal and replacement of all water lines and service lines from Route 113 to Rehoboth Boulevard. The waterline main between East Street and Rehoboth Boulevard is transite piping or asbestos-concrete. The ductile iron pipe line from Maple Avenue to East Street contains lead goose-neck service line connections, all of which need to be replaced. They are considering deleading the water system that is cast iron that was most likely installed in the 1930's and 1940's.

Mr. Whitfield reported the sewer lines are a little better and a good portion can be slip-lined which means a plastic pipe can be inserted inside the existing pipe. That will save digging up a fair amount of the road. However, the one section from North Church to North Street will need to be replaced through an open cut.

He advised that the funding for the sewer line work is eligible under the USDA-RD Loan Grant awarded in 2016 in the amount of \$4 million. That will provide just about enough money to do all of the sewer work, including the Fisher Avenue Pump Station, which is an ongoing project.

The Shawnee Acres Pump Station project was put on hold until they determined what was needed for this project. Included would be the sewer line replacement and slip-lining needed on Front Street.

According to the Public Works Director, those three projects come to a total of approximately \$4.2 million of which \$4 million is available through the USDA loan process. The additional \$211,000 would need to be transferred from sewer reserves to complete the project.

He reported there is no funding available for the water project. The estimated cost of the water line replacements is \$1,549,756. After consulting with the Finance Director, it is possible to fund the waterline project through a loan/grant opportunity. One opportunity is a low-interest loan program called WIFIA geared toward water line replacement projects. However, it is Mr. Whitfield's understanding there is a \$5 million minimum.

Finance Director Jeff Portmann believes the City could borrow the \$1.5 million to do the water line and pay it back over a five-year period which would eliminate the referendum process.

The Public Works Director feels both would be money well spent and because of DelDOT's project, Council needs to act fairly soon.

In the meantime, Mr. Whitfield will be coming back with a proposal for engineering services. Once the financing is in line, he will provide that information as well.

Chairman Brooks told the Public Works Director that both he and Councilman Morrow feel the work needs to be done and recalled a major problem in the area of Brady Drive several years ago and warned him about what might be underground.

Councilman Morrow moved to recommend approving the \$211,000 be used from the sewer reserves, seconded by Chairman Brooks. Motion carried.

Chairman Brooks added that he feels the water project should be done and that Councilman Morrow feels the same way.

Public Works Director Whitfield reiterated that both projects need to be done simultaneously to prevent tearing the roadway up twice.

City Manager Norenberg clarified this is only informational at this point in time.

Update/Airport Road Project

DBF Engineer Jason Loar was also present.

Mr. Whitfield reported the design is moving forward and should be out to bid in March if everything aligns with DelDOT and other State agencies with regard to reviews.

He then explained the two edges of the pavement that are roughly six feet will need to be totally removed and replaced. The one recommendation from the engineers is to remove all pavement and rebuild the roadway. That would cost an additional \$750,000 which is not in the budget so only the sides will be removed.

Mr. Whitfield continued by explaining the pavement is very distressed but they will do everything that is possible and within budget.

He then reported there are two options on the schedule. One is to maintain traffic through the work site for the duration of the project. The other is to limit shutdowns and allow the contractor to do work. There is enough space to shutdown portions and use Mullet Run as a detour.

Maintaining traffic through the work site would add another two months to the construction time period, plus an additional \$100,000 to \$150,000.

He stressed the importance of getting ahead of this project in terms of publicity though it appears that shutting the road down in various portions would be the most cost effective and also reduce the amount of construction time.

Mr. Whitfield recommends that alternate bids be taken for the portion of Airport Road between Canterbury Road and Delaware Veterans Boulevard. If the bids come in high, Council would have the option to reduce the scope of the job and allow the major portion of the project to move forward with the section between Canterbury and Delaware Veterans Boulevard to be completed in the future.

Chairman Brooks said this is an old country road that the City has tried to make a major road. Basically the safety aspect needs to be considered.

Mayor Shupe stated that he wants to go on public record stating there were some complications with funding last year. There was a clarification needed from the Attorney General's Office regarding Community Transportation Funds (CTF) and prevailing wages. That may have impacted the project by an additional \$300,000. Senator Gary Simpson and Representative Harvey Kenton took those concerns back to Legislative Hall and new legislation was drafted as a result. Because of their actions, the prevailing wage will not be required which will save the City \$300,000.

Mayor Shupe appreciates the work and effort that both Senator Simpson and Representative Kenton put into getting that done especially considering the urgent need to get that roadway done.

Chairman Brooks stressed that the road needs to be fixed; Public Works Director Whitfield pointed out it should have been repaired at least ten years ago. Chairman Brooks agreed that it should have been repaved before the State gave it to the City because it was a problem then. But the State of Delaware went ahead and still turned it over to the City.

There being no further business, Councilman Morrow moved to adjourn the meeting, seconded by Chairman Brooks. Motion carried.

The Public Works Committee meeting adjourned at 6:59 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 13, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 13, 2017.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Arthur Campbell, James Burk, Owen Brooks Jr,
Douglas Morrow and James Starling Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion to approve the January 9, January 23 and January 30, 2017 Committee and Council Meetings made by Councilmember Morrow, seconded by Councilmember Brooks. Motion carried.

RECOGNITION

Proclamation 2017-04/Rare Disease Day

Jerry Williams from the Myositis Understanding and Support Organization requested a Rare Disease Day be proclaimed in the City of Milford on February 28, 2017.

Mayor Shupe read the following proclamation into record:

*PROCLAMATION 2017-04
Rare Disease Day*

Whereas, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health (NIH);

Whereas, while each of these diseases may affect small numbers of people, rare diseases as a group affect almost 30 million Americans;

Whereas, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected;

Whereas, while more than 450 drugs and biologics have been approved for the treatment of rare diseases according to the Food and Drug Administration (FDA), millions of Americans still have rare diseases for which there is no approved treatment;

Whereas, individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services;

Whereas, while the public is familiar with some rare diseases such as "Lou Gehrig's disease" and sympathetic to those affected, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments;

Whereas, hundreds of residents of Milford, Delaware are among those affected by rare diseases since nearly one in ten Americans have rare diseases;

Whereas, the National Organization for Rare Disorders (NORD) is organizing a nationwide observance of Rare Disease Day on February 28, 2017;

Whereas, thousands of patients and caregivers, medical professionals, researchers, companies developing orphan products to treat people with rare diseases, and others in the town of Milford, Delaware will participate in that observance;

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, Delaware, hereby proclaim February 28, 2017, will be observed as Rare Disease Day in the City of Milford.

The signed proclamation will be forwarded to the organization.

Proclamation 2017-06/Honoring Lizzie Howell

Lizzie Howell was not in attendance. She will be contacted and asked to attend a future Council meeting for the presentation.

Proclamation 2017-07/Banneker Student Kylie Moorman/Lifesaving Recognition

Mayor Shupe reported that he is very proud to present this proclamation to an amazing student at Banneker Elementary School. Chief Brown then stated that his department has a special recognition for a 5th Grade Student in the Milford School District.

School Resource Officer Corporal Theresa Bloodsworth was present and asked Kylie Moorman to come forward. Corporal Bloodsworth then described the following incident:

On January 26, 2017, in the hallway of Banneker Elementary School, 5th Grader Kylie Moorman was walking with a group of students when a fellow classmate began to choke on a mint. The student, Sabrina Kadow, felt like she was going to get sick. The students then realized that Sabrina could not breathe. Kylie approached from behind and began performing the Heimlich maneuver which caused Sabrina to cough and finally expel the mint. She was then escorted to the trash can where she spit out the mint. She was then taken to the school nurse and was treated. Full of both fear and relief, she was very emotional and later told Kylie's mother (who works at Banneker Elementary) that her daughter saved her life.

Kylie learned how to perform the Heimlich maneuver following a family conversation at the dinner table. Her mother had been choking while she was pregnant and Kylie's father had performed the Heimlich maneuver on her. Curious how it worked, her sister showed her it was done. Little did she know she was going to end up using it later.

Kylie serves on the school's safety patrol, which is sponsored by Triple AAA. Those students wear their sashes and badges throughout the day as a constant reminder to fellow students to be safe. This particular day, her vigilance paid off for fellow student Sabrina.

Kylie does not think what she did that day was amazing, she only thinks she was helping a friend.

Chief Brown then presented Kylie with a Certificate of Recognition for Saving the Life of a Fellow Student by Performing the Heimlich Maneuver on January 26, 2017.

Mayor Shupe then honored Kylie with the following proclamation on behalf of the City of Milford, himself and City Council:

Recognizing Banneker Student Kylie Moorman

Whereas, Members of the City Council wish to express great admiration for Kylie Moorman for her exemplary courage in saving the life of a fellow student; and

Whereas, on January 26, 2017, Sabrina Kadow was in the hallway at Benjamin Banneker Elementary School talking and laughing when she began to cough; and

Whereas, fellow students suddenly recognized the fact that Sabrina was suddenly choking and was unable to breathe due a mint that was lodged in her throat; and

Whereas, Safety Patroller Kylie Moorman quickly responded approaching Sabrina from behind and began to perform the Heimlich Maneuver causing her to react and expel the mint; and

Whereas, Sabrina was then taken to the School Nurse and checked for any lingering effects of the mint that had lodged in her throat; and

Whereas, thanks to her quick actions and knowledge of the Heimlich Maneuver, Kylie Moorman was able to save the life of Sabrina Kadow.

Now, Therefore, I, Bryan W. Shupe, Mayor of the City of Milford, Delaware, on behalf of Milford City Council, hereby proclaim Kylie Moorman as a most distinguished Milford Heroine who has earned the appreciation and gratitude of her City.

School District Superintendent Kevin Dickerson was also present and made a few remarks from the audience.

Photos were then taken of Kylie, Sabrina, Chief Brown, Corporal Bloodsworth and Mayor Shupe.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly Police Report on behalf of Chief Brown. He reported the Department remains busy and asked Chief Brown to comment on the body camera program. The Chief reported they are fully deployed with the body cameras though they are still working out some minor issues. Both the officers and the public have been very receptive.

Chairman Burk thanked Chief Brown for his hard work in solving a number of robberies that have occurred in Milford. He said there were many constituents in his ward that were impacted and are now looking over their shoulder a lot more as a result.

Chairman Burk moved to accept the January 2017 report, seconded by Councilman Brooks. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced a letter and certificate received in honor of the Water Division of the Public Works Department who received the Water Fluoridation Quality Award by the State of Delaware Division of Public Health.

Councilman Morrow moved to accept the City Manager Report, seconded by Councilman Burk. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the sixth month of Fiscal Year 2016-2017 with 50% of the year having passed, 55% of revenues have been received and 47% of the operating budget expended.

He noted the City is in a good position though it is going to be a very tough budget with meetings beginning in May and committee hearings in June. He noted the City is fiscally sound thanks to the hard work of Finance Director Jeff Portmann and City Manager Norenberg.

Councilmember Burk moved to accept the December 2016 Finance Report, seconded by Councilmember Campbell. Motion carried.

COMMITTEE & WARD REPORTS

Conditional Approval/Bid Award/Parks & Recreation/Milford Kayak Launch

Parks and Recreation Director Brad Dennehy reported they put out a second bid for an additional floating kayak dock behind Arena's Restaurant. Approval has been received from the Army Corp of Engineers, Coast Guard and DNREC.

Senator Simpson approached the City Manager to offer \$75,000 for a shovel-ready project in the City. Because the plans were in place, it was agreed to use those funds for this project. The project was bid twice because no bids were received during the first round. One contractor responded to the second announcement with a proposal of \$72,842 which is within the proposed budget. It will be used for various river activities and will provide access for a pontoon boat to dock.

Mr. Dennehy emphasized it will not cost the City taxpayers any money and instead will be funded by Senator Simpson's discretionary funds.

This was presented to the Parks and Recreation Committee earlier this evening. At that time, Chairman Campbell expressed some safety concerns which Mr. Dennehy will be checking into.

The Parks and Recreation Director added that the dock will be beneficial to the patrons who sit on the back deck at Arena's. He stated that they will be able to paddle a kayak to that back area, exit and go inside Arena's for some refreshments. This fits into the downtown plan for more river-based activities.

City Manager Norenberg explained there was some urgency to have the bid in hand prior to awarding the project while working through the process with the State due to some time-related issues related to the river between March 1st and May 15th. If the project is not completed prior to that date, it will be delayed until the end of May though the goal is to have it completed by the Bug and Bud Festival the end of April.

Both DelDOT and Senator Simpson's Office recommend the approval be conditional upon the final review and authorization by the Attorney General's Office to assure the project is eligible under the Community Trust Fund monies.

Parks and Recreation Committee Chairman Campbell moved to approve awarding the bid to Dronery Marine Construction for the Kayak Launch as recommended, contingent upon the Attorney General authorization that it is an eligible project and contingent upon the funding being set up through a CTF agreement. Motion seconded by Councilman Starling and carried.

Milford Parks & Recreation Logo

According to Parks and Recreation Director Dennehy, the Department was founded in 1976 and the logo has never been changed. His staff went through an extensive design process which resulted in the logo he is presenting this evening. Two designers were involved though he was not pleased with the logos created by the second designer.

He pointed out the logo is similar to both the City of Milford and Milford High School logos with some minor differences including a symbolic design of the bridge along the Riverwalk and a leaf, representing the outdoors. It includes a tag line 'play*grow*connect'.

He also referred to the new flyer he redesigned that was changed from a six-page one-font flyer to a front/back colored brochure containing various photos.

Councilman Brooks moved to approve the logo as was recommended by the Parks and Recreation Department, seconded by Councilman Morrow. Motion carried.

Recommendation/Budget Transfer/Solid Waste Capital/Downtown Dual Waste/Recycling Containers Purchase

City Manager Norenberg advised that earlier this evening, a Public Works Committee meeting was also held. At that time, Public Works Director Mark Whitfield presented the following request:

On December 14, 2016, the City received partial funding for the Universal Recycling Cycle 7 Grant that which was awarded for the dual containers. The initial request was for \$84,460 to place 80 dual trash/recycle containers in the city's parks and down town areas. However, we only received enough funding to place 40 containers, which amounted to \$42,230.

In order to cover this shortfall, it is recommended to use the savings from the purchase of the automated refuse truck purchase the remaining 40 containers. The original budgeted amount for the truck was \$261,000 and the cost of the new refuse truck is \$220,290. With the savings from the truck of \$40,710, it is recommended these funds be used to purchase the remaining containers. The shortfall of \$1,520 will be taken out of the Solid Waste trash container line item.

The Public Works Committee concluded it is more prudent to initially purchase half of the containers at a cost of \$20,000 to be paid by the savings from the solid waste collection vehicle purchase.

Councilman Morrow moved to approve authorizing the use of approximately \$20,000 that remains after the purchase of the new solid waste collection vehicle that matches the grant funds from the State of Delaware Universal Recycling Grant Program for the purchase of forty dual trash and recycling containers for the downtown and City park areas, as recommended by the Public Works Department and Committee, and to revisit the balance of the grant and matching funds no later than September 2017, seconded by Councilman Brooks. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

*Adoption/Ordinance 2017-07
Chapter 185 Amendment/Sewer Code
Impact Fees*

*Adoption/Ordinance 2017-08
Chapter 222 Amendment/Water Code
Impact Fees*

*Adoption/Ordinance 2017-09
Chapter 19/Economic Development and Redevelopment
Citywide Job Creation and Capital Investment*

City Planning Coordinator Rob Pierce informed Council these three ordinances are interrelated and will be discussed together.

He recalled that over the past few months, the Economic Development Committee met to discuss creating a new citywide job creation and capital investment program that would provide impact fee waivers and other benefits to businesses who create a large number of jobs and retain those jobs within the City. In addition, significant capital investments would be also be eligible. The Bayhealth Medical Campus was referred to as an example.

Ordinance 2017-09, which amends Chapter 19 Economic Development and Redevelopment, creates a new citywide target area to encourage new businesses and the expansion of new businesses.

Mr. Pierce referenced the Economic Incentive Program Tier Incentives that contains two tables. Table A relates to job creation based on a minimum of 25 jobs; Table B provides a Capital Investment Impact Fee Waiver based on a minimum investment of \$1 million. Projects can be a combination of both tables for even more waivers.

Associated with Ordinance 2015-09, Ordinances 2017-07 and 2017-08 are amendments to the Sewer and Water Code whereby the impact fee waiver language is removed. Those incentives would then transfer to Chapter 19.

Also, the current incentives in the Water and Sewer Codes range from 5 to 25 plus jobs and are more geared toward lower job creation. It was agreed to eliminate the lower tiers and create the higher tiered incentives to encourage more investment and job creation.

This does not impact any other Incentive Programs including those related to the Greater Milford Business Park and the Downtown Development District.

Councilman Morrow moved to adopt Ordinance 2017-07 (attached) amending Chapter 185 Sewer Code, seconded by Councilman Starling. Motion carried with no one opposed.

Councilman Morrow moved to adopt Ordinance 2017-08 (attached) amending Chapter 222 Water Code, seconded by Councilman Starling. Motion carried with no one opposed.

Councilman Morrow moved to adopt Ordinance 2017-09 (attached) amending Chapter 19 Economic Development and Redevelopment Code, seconded by Councilman Starling.

Councilman Starling seconded motion. Motion carried with no one opposed.

NEW BUSINESS

Introduction/Ordinance 2017-02

Michael Rivera for a Conditional Use

C2 (Central Business District) Zoning District

S/E Corner of N Walnut Street and NE Second Street Intersection

119 North Walnut Street

Present Use: Single Family Detached Dwelling; Proposed Use: Hotel/Bed & Breakfast & Apartment

Tax Map MD-16-183.10-03-58.00

Mayor Shupe introduced Ordinance 2017-02.

Planning Coordinator Pierce provided a brief synopsis of the ordinance stating the applicant has requested permission to convert the existing single family dwelling into a bed and breakfast operation with an efficiency apartment. The application will be before City Council at a public hearing on February 27, 2017.

Introduction/Ordinance 2017-03

Code of the City of Milford

Part II-General Legislation

Chapter 230-Zoning

Article III-Use and Area Regulations

§230-16 – I-1 Limited Industrial District

Mayor Shupe introduced Ordinance 2017-03.

Planning Coordinator Piece provided a brief synopsis of the ordinance explaining the Zoning Code amendment is to the I-1 limited industrial category and adds the uses that are permitted in the Business Park District. The ordinance will be before City Council at a public hearing on February 27, 2017.

Introduction/Ordinance 2017-05

Mildred Pederson on behalf of Transatlantic Shipping Agency for a Conditional Use

C2 (Central Business District) Zoning District

N/E Corner of the SE Front Street and S Walnut Street Intersection

27 South Walnut Street, Milford, Delaware.

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

Tax Map 3-30-6.20-002.00

Mayor Shupe introduced Ordinance 2017-05.

Planning Coordinator Pierce explained the applicant is requesting permission to renovate the second floor of a commercial building and create a residential apartment. The application will be before City Council at a public hearing on February 27, 2017.

Introduction/Ordinance 2017-06

Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use

C3 (Highway Commercial) Zoning District

N/E Corner of N DuPont Boulevard and NW Front Street Intersection

600 N DuPont Boulevard, Milford, Delaware

Present Use: Commercial Retail; Proposed Use: Commercial Retail w/Repair Shop &/or Service Station

Tax Map MD-16-183.09-01-04.00

Mayor Shupe introduced Ordinance 2017-06.

Planning Coordinator Pierce explained the conditional use would permit a Valvoline Quick Oil Change at the southern end of the Milford Plaza Shopping Center. The application is in conjunction with a site plan review that includes the proposed use with some additional retail.

The conditional use application will be before City Council at a public hearing on February 27, 2017.

Adoption/Resolution 2017-01/Authorizing Advanced Metering Infrastructure Program,

DEMEC Advanced Metering Infrastructure Contract and Funding Source

City Manager Norenberg recalled the presentation provided by American Municipal Power (AMP), Public Power Partner of DEMEC, at the January 23, 2017 Workshop. For several years, the City of Milford has considered moving to a Smart Metering Program and he began working on the project with DEMEC and AMP shortly after he was hired. The hybrid advanced metering program involves an integrated system of smart meters, communication networks and data management systems that will enable two-way communication between our utilities and customers.

He then provided a recap of the project and the progress that has occurred since last March.

Also in attendance, were representative of AMP and DEMEC, as well as Public Works and Electric Staff.

Mr. Norenberg explained the resolution before Council will authorize the execution of the contract that will enable the project to proceed through DEMEC and AMP. He noted the contract is lengthy and very detailed; it was reviewed by City Staff and the City Solicitor over the past month.

The project will start in June and should be completed sometime in the fall. All electric meters will be replaced as well as the majority of water meter modules. However, there is a chance that some water meters will also have to be replaced. Of the \$2,378,252.33 cost, \$1.6 million is requested to come from electric reserves and \$800,000 from water reserves.

Councilman Brooks moved and seconded by Councilman Starling to adopt Resolution 2017-01 authorizing the execution of the DEMEC agreement for the Advanced Metering Infrastructure Program and that \$1.6 million be appropriated from the Electric Reserves and \$800,000 from Water Reserves for the project. Motion carried.

Authorization/State of Delaware Mosquito Spraying Agreement

Councilman Brooks moved to adopt the Delaware Department of Natural Resources and Environmental Control (DNREC) 2017 Mosquito Control Spray Policy for the City of Milford, seconded by Councilman Burk. Motion carried.

Appointment/Board of Adjustment Member

Planning Coordinator Pierce then introduced Chad Carter who applied for the current vacancy on the City's Board of Adjustment. Mr. Carter resides in Ward One, is a West Virginia University Graduate and a registered landscape architect

in Delaware and Maryland. He is currently employed as a land planner for Solutions IPEM in Georgetown.

Mr. Carter met with Mr. Pierce and Mayor Shupe and both feel he is a well versed, qualified candidate and recommend his appointment.

Councilman Burk moved to appoint Chad Carter as a member of the Board of Adjustment, seconded by Councilman Campbell. Motion carried.

Authorization/Plan Review and Inspection Agreement/First State Inspection Agency, Incorporated

Planning Coordinator Pierce informed Council that due to the resignation of the City's Building Inspector on January 31st, an immediate replacement was needed for building inspection and plan review services.

He recalled that the First State Inspection Agency is currently under contract for inspection services related to the Bayhealth Hospital project.

Because of our current needs, Mr. Pierce is requesting that all plan reviews and inspections of permitted construction in the City be handled by that Agency through June 30, 2017. During this time, they will evaluate using a third party for these services and a close check will be kept on the associated fees in relation to the City's expenses, in addition to ensuring we maintain the same level of services that has been provided in the past.

The Planning Coordinator also advised that two First State Inspectors will be handling Milford's services. In that manner, a certified inspector will always be available.

Mr. Pierce requested this approval be retroactive to February 1, 2017.

The City Manager added that a number of cities nationwide are now outsourcing this service though many continue to use in-house staff. This will provide an opportunity to evaluate this possibility with a decision made in approximately two months on whether to begin the recruitment process before the end of the fiscal year.

Councilman Brooks said he noticed that based on the City Manager's report, the problem is getting bigger all the time. He referred to the new 38 cases of which only 8 cases were closed. The new month started with 67 cases and ended with 97. He said he wanted to call attention to that because we still need a code enforcer.

Mr. Pierce explained that the person that resigned did not handle code enforcement or rental inspection work; his duties were inspections and those services that First State Agency will be handling. As he has stated in the past, they are considering new options to handle rental inspections and property maintenance which will be presented during the budget discussions.

The planner confirmed that we had one staff member handling code enforcement prior to the building inspector's resignation and that person continues to handle those duties. Councilman Brooks then stated that Building Inspector Don Williams also handled code enforcement; Mr. Pierce said his main focus was on building inspection and plan review. Mr. Brooks said Mr. Williams often took care of someone's complaint and it sounds to him like the code enforcer is only doing one thing. He commented that we have a City to run and a code enforcer is needed to do this job.

Councilman Brooks does not feel we can wait until June because of the code problems.

Councilman Morrow moved to authorize the First State Inspection Agency agreement, seconded by Councilman Burk. Motion carried.

EXECUTIVE SESSION

Councilmember Burk moved to go into Executive Session reference the below statute, seconded by Councilmember Morrow:

{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 7:58 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Brooks moved to return to the Regular Session, seconded by Councilmember Morrow. Motion carried.

City Council returned to Open Session at 8:37 p.m.

Personnel Matter

Councilmember Morrow moved to approve the Mayor's recommendation as stated in the Executive Session regarding the City Manager, seconded by Councilmember Burk. Motion carried with no one opposed.

IBEW Local Union 126 Matter

Mayor Shupe announced that no action was required on the Union matter.

ADJOURN

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

The Council Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachments:

- Ordinance 2017-07
- Ordinance 2017-08
- Ordinance 2017-09

ORDINANCE 2017-07

CHAPTER 185-SEWERS

WHEREAS, beginning in 2010, the Council of the City of Milford established a Sewer Impact Fee Waiver for the purpose of encouraging property repairs, rehabilitation and new construction which was determined by the number of new jobs created; and

WHEREAS, amendments were made to the waiver guidelines in 2011, 2012, 2013 and 2014; and

WHEREAS, in 2016, City Council adopted an ordinance entitled Economic Development and Redevelopment (Chapter 19) that provided procedures for the consideration of economic development incentives and the use of economic development tools; and

WHEREAS, it is recommended that the Impact Fee Waivers language be removed from the City of Milford Sewer Code and incorporated into the Economic Development and Redevelopment Code to provide a more effective and efficient means of accessibility.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 185 - SEWERS

Section 1. Article III entitled Sewer Impact Fee is hereby amended as follows:

ARTICLE III – Sewer Impact Fee

Section 2. Section 185-24 Impact Fee Established is hereby amended as by repealing Paragraph D in its entirety.

§ 185-24. - Impact fee established.

~~D. The sewer impact fee described in Subsection C shall be waived for permits issued for commercial repairs, rehabilitation and new construction beginning March 20, 2014. The waiver shall be for a maximum of five EDUs per project. The city will continue to collect the impact fee charged by Kent County.~~

~~(1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve month period.~~

~~(a) Waiver of Sewer Impact Fees for Commercial Entities: To further encourage new business and the expansion of existing businesses, the business must create a minimum of five jobs to employ five full-time employees in the City of Milford in accordance with the following criteria:~~

~~Creation of 5—9 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (1 EDU).~~

~~Creation of 10—14 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (2 EDUs).~~

~~Creation of 15—19 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (3 EDUs).~~

~~Creation of 20—24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDUs).~~

~~Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDUs).~~

~~(b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.~~

~~(c) Annual certification to assure the commercial customer remains compliant with the written agreement.~~

~~(d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.~~

~~(2) Any commercial structure that does not receive a certificate of occupancy in accordance with § 185-24.D.(1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.~~

Section 3. Section 185-25 Computation of Impact Fee is hereby rescinded and Paragraphs B, C and D 'reserved for future use' are hereby repealed. Remaining Paragraphs will be incorporated in Section 185-24 and Paragraph A renamed Paragraph D. Language being stricken is indicated in strikethrough and additional language shown as underlined and bold, to read as follows:

~~§ 185-25. Computation of impact fee.~~

~~D.A.~~ Specific assessment by usage category.

~~B. (Reserved)~~

~~C. (Reserved)~~

~~D. (Reserved)~~

F. No exemptions or abatements from the assessment of sewer impact fees shall be granted without the approval of City Council. **Refer to Chapter 19 Economic Development and Redevelopment for Specific Economic Development Incentive Programs.**

Section 4. Section 185-26, Additional Evaluations and Charges, is subsequently renumbered to Section 185-25, stricken language indicated in strikethrough and additional language shown as underlined and bold:

~~§ 185-26~~ **185-25.** - Additional evaluations and charges.

B. (2) If multiple property owners or developers: Sign a public works agreement with the City as further described in Section ~~185-27~~ **185-26.**

Section 5. Section 185-27, Multiple Property Owners/Developer Public Works Agreement and Aid-In-Construction. is subsequently renumbered to Section 185-26:

~~§ 185-27~~ **185-26.** - Multiple property owners/developer public works agreement and aid-in-construction.

Section 6. Dates.

City Council Introduction: January 23, 2017

City Council Adoption: February 13, 2017

Effective: February 23, 2017

ORDINANCE 2017-08

CHAPTER 222-WATER

WHEREAS, beginning in 2010, the Council of the City of Milford established a Water Impact Fee Waiver for the purpose of encouraging property repairs, rehabilitation and new construction which was determined by the number of new jobs created; and

WHEREAS, amendments were made to the waiver guidelines in 2011, 2012, 2013 and 2014; and

WHEREAS, in 2016, City Council adopted an ordinance entitled Economic Development and Redevelopment (Chapter 19) that provided procedures for the consideration of economic development incentives and the use of economic development tools; and

WHEREAS, it is recommended that the Impact Fee Waivers language be removed from the City of Milford Water Code and incorporated into the Economic Development and Redevelopment Code to provide a more effective and efficient means of accessibility.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 222 - WATER

Section 1. Section 222-31 of Chapter 222, entitled Impact Fees, is hereby amended as follows:

§ 222-31. - Impact fees.

Section 2. Paragraph F is hereby amended by adding language as indicated in underline and bold.

F. No exemptions or abatements from the assessment of water impact fees shall be granted without the approval of City Council. **Refer to Chapter 19 Economic Development and Redevelopment for Specific Economic Development Incentive Programs.**

Section 3. Paragraph I is hereby repealed in its entirety.

~~I. The water impact fee described in § 222-31.H. shall be waived for permits issued for commercial repairs, rehabilitation and new construction beginning March 20, 2014. The waiver shall be for a maximum of 5 EDUs per project.~~

~~(1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.~~

~~(a) Waiver of Water Impact Fees for Commercial Entities: To encourage new business and the expansion of existing businesses, the business must create a minimum of five jobs to employ five full-time employees in the City of Milford in accordance with the following criteria:~~

~~Creation of 5—9 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (1 EDU).~~

~~Creation of 10—14 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (2 EDUs).~~

~~Creation of 15—19 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (3 EDUs).~~

~~Creation of 20—24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDUs).~~

~~Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDUs).~~

~~(b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.~~

~~(c) Annual certification to assure the commercial customer remains compliant with the written agreement.~~

~~(d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.~~

~~(2) Any commercial structure that does not receive a certificate of occupancy in accordance with §222-31.I.(1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.~~

Section 4. Dates.

City Council Introduction: January 23, 2017

City Council Adoption: February 13, 2017

Effective: February 23, 2017

ORDINANCE 2017-09
CHAPTER 19
ECONOMIC DEVELOPMENT & REDEVELOPMENT CODE

WHEREAS, in 2016, City Council adopted an ordinance entitled Economic Development and Redevelopment which provided procedures for the consideration of economic development incentives and the use of economic development tools in targeted areas; and

WHEREAS, it is in the best interest of potential developers and the residents of the City of Milford to include a section designated to Job Creation and Capital Investment Program by providing incentives for potential development throughout the city in order to promote and enhance overall economic growth.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 19 – Economic Development and Redevelopment

Section 1. Article III, entitled Specific Economic Development Incentive Programs, is hereby amended as follows:

ARTICLE III – Specific Economic Development Incentive Programs

An applicant for economic incentives under this Chapter must apply for and meet the conditions of one of the SEDIP programs available under this Article III.

Section 2. A new Section entitled Citywide Job Creation and Capital Investment Program numbered §19-10 is hereby added to read as follows:

§19-10. – Citywide Job Creation and Capital Investment Program

A. Eligibility

Eligible Projects shall include any new business or expansion of any existing business within the City. Eligibility shall be based on the creation of full-time equivalent jobs and/or capital investment as outlined Section §19-10 Paragraph D. The Incentive Beneficiary shall enter into an agreement with the City of Milford to ensure the eligibility criteria are met and maintained.

B. Target Area – Citywide

The corporate limits of the City of Milford. A copy of the municipal boundary map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.

C. Development Incentives

(1) Impact Fee Waivers

- a) Job Creation Impact Fee Waivers
 - i. To encourage new businesses and the expansion of existing businesses, an employer creating new full-time equivalent jobs in accordance with Table A is eligible to receive impact fee waivers. Jobs must be new to the community.
- b) Capital Investment Impact Fee Waiver
 - i. An employer expanding a facility and/or a developer constructing an employment facility with significant capital investment is eligible to receive impact fee waivers in accordance with Table B.
- c) An agreement shall be executed by the Incentive Beneficiary and the City Manager to document the terms of the creation of jobs and the terms of impact fee waiver.
 - i. Documentation sufficient to satisfy the City Manager or designee that full-time equivalent jobs are being created in accordance with the incentives described in this SEDIP, and that said full-time equivalent jobs are retained for a minimum of three years shall be provided as requested.
 - ii. Annual reports and certification shall be provided to ensure the commercial customer remains compliant with the written agreement and the terms of the impact fee waiver.
 - iii. If the criteria are not met, the Incentive Beneficiary shall be required to repay the incentives in full, or in part, as provided in the written agreement.
- d) To qualify for impact fee waivers, the commercial construction of projects:
 - i. Costing \$1,000,000 or less must be completed and a certificate of occupancy received within a twelve-month period;
 - ii. Costing between \$1,000,001 and \$5,000,000 must be completed in twenty-four months; and projects
 - iii. Costing more than \$5,000,000 must be completed within thirty-six months.
- e) Upon written request to the City Manager at least 30 days prior to the deadline for completion of the project, as outlined in 19-10.C.(1)(d), the deadline may be extended by the City Manager for delays beyond the control of the Incentive Beneficiary. Such an extension will not be unreasonably withheld. If an extension is denied, the Incentive Beneficiary may appeal the City Manager's decision to the City Council.

D. Economic Incentive Program Tier Incentives

(1) Job Creation Impact Fee Waivers

Table A - Job Creation		
Tier	Full-time Equivalent Jobs Created or Retained	Impact Fee Waivers (EDUs)
1	25-29	5
2	30-34	6
3	35-39	7
4	40-44	8
5	45-49	9
6	50+	10

(2) Capital Investment Impact Fee Waiver

Table B - Capital Investment		
Tier	Capital Investment	Impact Fee Waivers (EDUs)
1	\$1,000,000 to \$4,999,999	10
2	\$5,000,000 to \$9,999,999	20
3	\$10,000,000 to \$49,999,999	30
4	\$50,000,000 to \$99,999,999	40
5	\$100,000,000 or more	50

Section 3. Dates.

Council Introduction: January 23, 2017

Council Adoption: February 13, 2017

Effective: February 23, 2017

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 27, 2017

Milford City Council held a Public Hearing on Monday, February 27, 2017 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr,
Douglas Morrow, 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 Public Hearing to order at 7:01 p.m.

City Planning Coordinator Rob Pierce was also present.

ADOPTION/ORDINANCE 2017-02

Michael Rivera for a Conditional Use

.22+/- acres in a C2 (Central Business District) Zoning District

SE Corner of N Walnut Street and NE Second Street Intersection

119 North Walnut Street, Milford, Delaware

Present Use: Single Family Detached Dwelling; Proposed Use: Hotel/Bed & Breakfast w/Efficiency Apartment

Tax Map MD-16-183.10-03-58.00

Planning Coordinator reviewed the application stating the applicant is proposing to convert an existing 5,780 square foot single-family detached dwelling into a Bed-and-Breakfast (B&B) operation with an efficiency apartment. Per Chapter 230-13(C)(4)&(10), motels and hotels, along with dwelling units other than single-family residences, are allowed uses subject to conditions set forth by the Planning Commission and City Council.

The B&B operation would consist of four rooms and one suite for the innkeeper.

The property contains an existing three-car garage and off-street parking area that could accommodate up to eight vehicles. The three-car garage would be utilized by the innkeeper; the B&B rooms and efficiency apartment would each be allotted one parking space.

Mr. Pierce reminded Council there are no off-street parking requirements in the C-2 category. Any additional parking could be provided on-street parking or in the new municipal parking lot behind the Touch of Italy Restaurant.

The B&B would be operated 24 hours a day seasonally (summer and holidays) and the apartment utilized year round. It would employ two housekeepers, one cook, one groundskeeper and two B&B managers/owners.

The staff analysis provided was based on the conditions for a conditional use application found in Chapter 230-48.

The applicant will be required to apply for any necessary permits and the building construction must adhere to Chapter 88 of the City Code.

The applicant will also be required to obtain approval or a letter of no objection from the Delaware State Fire Marshal's Office.

The applicant will also be responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.

Included in the packet was a sketch overview of the property. The first floor would consist of the common areas (library, parlor, living room and kitchen). The second floor would consist of two B&B suites with bathrooms, the innkeeper suite and bathroom and one efficiency apartment. The third floor would consist of two more B&B suites/bathrooms, a library and a storage room.

The application was reviewed by the Planning Commission on January 17, 2017 at which time approval was recommended by a unanimous vote.

Owner/Applicant Mike Rivera of 200 North Walnut Street stated that Mr. Pierce has presented the complete application. He and his wife are trying to take a very large old building that he inherited eight years ago and do something with it. He complimented the development in the downtown area and is pleased to be part of it though there is a great deal of work to do.

Councilman Morrow feels it is a welcome addition to the downtown area.

Mayor Shupe confirmed that Mr. Rivera is aware and involved with the opportunities afforded by the Downtown Development District. Mr. Rivera stated he has been in touch with those representatives and did receive a grant in which they may use to purchase some window treatments.

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

Councilman Brooks moved to approve Ordinance 2017-02, seconded By Councilman Morrow:

*ORDINANCE 2017-02
Michael Rivera for a Conditional Use
Allow a Motel/Hotel and Dwellings Other than Single Family
Maximum 12-Unit Density per Acre in Conjunction with Nonresidential Use
.22+/- acres in a C2 (Central Business District) Zoning District
Property located at SE Corner of N Walnut Street and NE Second Street Intersection, Milford, Delaware
Present Use: Single Family Detached Dwelling
Proposed Use: Hotel/Bed & Breakfast with One Efficiency Apartment
Tax Map MD-16-183.10-03-58.00*

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 motel/hotel and 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, Michael Rivera is hereby granted a Conditional Use Permit to allow a motel/hotel and 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: February 13, 2017
City Council Hearing & Adoption: February 27, 2017
Effective: March 9, 2017

Motion carried by the following unanimous roll call vote:

Councilman Campbell votes yes adding that he likes that Mr. Rivera has done his homework and it will be a good addition to the downtown.

Councilwoman Peel votes yes adding she is a lover of historic homes and appreciates the work that is being done.

Councilman Burk votes yes stating he is advocate of historic preservation and feels this is a great addition to downtown.

Councilman Brooks votes yes stating it is a big addition and a big improvement in that neighborhood.

Councilman Morrow votes yes referring to his earlier comments and recommendation of approval by the Planning Commission.

Councilman Starling votes yes stating that he agrees with all the comments made by Council.

Councilwoman Wilson votes yes adding that she feels this is a true bonus to the downtown. She is also aware there are many people that love a bed and breakfast which is a good fit for our downtown. Mr. Rivera will also be providing some new jobs to Milford which is a bonus.

ADOPTION/ORDINANCE 2017-03
Code of the City of Milford
Part II-General Legislation
Chapter 230-Zoning
Article III-Use and Area Regulations
§230-16 – I-1 Limited Industrial District

Mr. Pierce advised that during a review of the Zoning Code, it was discovered that the I-1 Limited Industrial zoning category only allows the uses permitted in the OC-1. When comparing the I-1 to the BP Business Park category, the first six uses mirror one another. They allow light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments. The B-P district also allows ten additional uses even though it should be more restrictive than the I-1.

The City Planning Coordinator feels that same tiered approach should be applied and those uses in the B-P category be allowed in the I-1 category.

The Planning Commission reviewed the proposal on January 17, 2017 who recommended approval.

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

Councilman Burk moved to adopt Ordinance 2017-03, seconded by Councilwoman Wilson:

ORDINANCE 2017-03
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ARTICLE III-USE AND AREA REGULATIONS
§230-16 – I-1 LIMITED INDUSTRIAL DISTRICT

WHEREAS, the City of Milford enacted a Zoning Code, Chapter 230, to protect the health, safety, morals and general welfare of its citizens and to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, from time to time, City Council has determined there exists a need for amendments and additions to the Zoning Ordinance of the City of Milford; and

WHEREAS, City Council has determined light to moderate industrial manufacturing uses are compatible with general and professional offices and office parks as well as professional offices of a low-profile, low-traffic category and thus the permitted uses in the OC-1 Office Complex Zoning District and the BP Business Park Zoning District should be permitted uses in the I-1 Limited Industrial Zoning District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by modifying Article III-Use and Area Regulations, Subsection B, Permitted Uses, by amending item 1, as follows:

- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:*
(1) All permitted uses of the OC-1 District and BP District.

Section 2. Dates.

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Hearing & Adoption: February 27, 2017

Effective: March 9, 2017

Motion carried by the following unanimous roll call vote:

Councilman Campbell votes yes based on the research that was done and the need expressed. He feels it is an appropriate change.

Councilwoman Peel votes yes based on the recommendation of the Planning Commission.

Councilman Burk votes yes stating that it is a smart move to make the B-P district more restrictive and considering the items included in the less restrictive district make sense.

Councilman Brooks votes yes for the same reason that Councilman Burk gave why it was needed.

Councilman Morrow votes yes for the reasons stated by Councilwoman Peel.

Councilman Starling votes yes and agrees with all the reasons that have been made by the other Councilmembers.

Councilwoman Wilson votes yes based on the recommendation of the Planning Commission and review.

ADOPTION/ORDINANCE 2017-05

Mildred Pederson on behalf of Transatlantic Shipping Agency for a Conditional Use

.195+/- acres in a C2 (Central Business District) Zoning District

NE Corner of the SE Front Street and S Walnut Street Intersection

27 South Walnut Street, Milford, Delaware

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

Tax Map 3-30-6.20-002.00

Planner Pierce reported that the property involves the Josephine Keir Ltd. Building that is located within the Downtown Development District. The owner/applicant is proposing to add a residential component to the second floor of the commercial

site. The second floor has been occupied as commercial rental space in the past. Per Chapter 230-13(C)(10), an apartment unit in conjunction with a nonresidential use (mixed-use) is a conditional use subject to City Council approval.

Mr. Pierce noted that the conditional use evaluation was based on Chapter 230-48 which sets forth the criteria for the application.

All building construction will adhere to Chapter 88 Building Code and a letter of no objection from the State Fire Marshal Office will be required. Any building construction will also have to comply with Chapter 130 Floodplain Code though there should be minimal impact because this involves the second floor.

He noted that the applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.

Mr. Pierce believes utilities are only set up for one occupant so there may be some additional costs associated with the renovations.

The Planning Commission also recommended approval of the application on January 17, 2017.

The City Planning Coordinator reported that though the applicant was unable to attend, her son was in attendance.

Gordon Pederson then addressed Council stating that the City Planner had presented all the information. He added that his mother is planning to sell her home and will occupy the second floor as her primary residence.

Mayor Shupe then opened the floor to public comment.

Mike Rivera of 200 North Walnut Street said he attended the Planning Commission hearing. He then confirmed this is the old Derrickson Building adding that he feels this will be a great addition to the downtown. He noted that the building had been in disarray for a long time. He met Ms. Pederson for the first time during the Planning Commission hearing and was impressed with the many things she has accomplished. He likes the idea of her living there.

He would like to see more stores come to the downtown area and eventually hopes for something similar to St. Michael's and Easton, Maryland. He feels that if more people lived there, it would be more attractive to other potential store owners.

When no one else responded, Mayor Shupe closed the public comment portion of the public hearing.

Councilman Burk moved to adopt Ordinance 2017-05, seconded by Councilwoman Peel:

*ORDINANCE 2017-05
Mildred Pederson on behalf of Transatlantic Shipping Agency
Conditional Use to Allow Dwellings other than Single Family
Maximum 12-Unit Density per Acre in Conjunction with Nonresidential Use
.195+/- acres in a C-2 (Central Business District) Zoning District
Property located at NW Corner of SE Front Street and S Walnut Street Intersection
27 South Walnut Street, Milford, Delaware
Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments
Tax Map 3-30-6.20-002.00*

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, Mildred Pederson on behalf of Transatlantic Shipping Agency 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: February 13, 2017

City Council Hearing & Adoption: February 27, 2017

Effective: March 9, 2017

Motion carried by the following unanimous roll call vote:

Councilman Campbell stated he approves the ordinance adding that everything has been addressed in a proper manner and believes it will help the downtown area.

Councilwoman Peel votes yes stating that this is exactly what we are looking for in the plan of mixed use facilities downtown.

Councilman Burk approves stating it is a smart use of the space and we are again maintaining a historical building by planning new uses and getting more people to live downtown.

Councilman Brooks votes yes stating that it reminds him of the old days when people used to live on top of the stores.

Councilman Morrow votes yes based on the Planning Commission's thorough review and recommendation.

Councilman Starling votes yes and agrees with all the comments made by the other Councilmembers.

Councilwoman Wilson votes yes based on the review and recommendation by the Planning Commission and improvements to the downtown.

ADOPTION/ORDINANCE 2017-06

Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use

21.40+/- acres in a C3 (Highway Commercial) Zoning District

NE Corner of the N DuPont Boulevard and NW Front Street Intersection

600 N DuPont Boulevard, Milford, Delaware

Present Use: Commercial Retail; Proposed Use: Commercial Retail w/Auto Repair and/or Service Station

Tax Map MD-16-183.09-01-04.00

Mr. Pierce discussed the application stating that the conditional use application was part of a revised preliminary site plan through the Planning Commission. The proposal is for the expansion of the Milford Plaza Shopping Center which includes the demolition of the existing Citizens Bank and the site of the previous Donut Connection. A new 2,475 square foot Valvoline Instant Oil Change will be constructed along with an 8,000 square foot, four-suite retail pad. Valvoline is considered a service station/car repair operation and is subject to a conditional use review per the City code.

The proposed hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday and 9:00 a.m. to 4:00 p.m. on Sunday. Eight to ten full and part-time employees will be hired with a maximum of six employees on site at anyone time. There will be motor oils and lubricant contained within the building and all waste oil, used oil filters and oily water will be collected

and recycled by a licensed hazardous waste hauler. A spill prevention, control and counter measures plan will be developed. Each center is equipped with a spill kit, which can be used to contain and stop the flow of material in the unlikely event of a spill.

Mr. Pierce referenced the entrance into the Shopping Center off Northwest Front Street in comparison to the proposed Valvoline site. Traffic patterns will be reconfigured to alleviate the current traffic flow issues and provide a more orderly traffic pattern which was a key comment provided by the Planning Commission.

He emphasized that the 8,000 square foot retail pad will be in the corner and is not part of the conditional use application before Council.

Mr. Pierce further commented on the Site Plan application in which the owner has agreed to make some modification to the entrance off Route 113 to alleviate additional traffic concerns. Better signage for stop and go situations will be addressed that will ultimately straighten the travel lines to allow for a safer pattern.

Councilman Brooks said it needed to be painted so you know which direction you are going.

Mr. Pierce also reported that Hardees Restaurant has agreed to flip the drive-thru and parking around to help extend the island thus making it more orderly.

He then referenced the conditional use evaluation based on the criteria outlined in Chapter 230-48. Additional criteria was also referenced in the C-3 zoning category for a service station. The staffs' response, along with the applicant's response, was included in the packet.

Mr. Pierce pointed out there are no parking requirements in the City Code for the Instant Oil Change so it was compared to the Kent and Sussex County Codes. As a result, the proposed parking rationale was provided by the applicant and now exceeds both requirements. The Planning Commission ultimately agreed to move forward with the sixteen proposed parking spaces.

Mr. Pierce again referred to the comments related to the site plan and a parking variance that was granted by the Board of Adjustment in March 2016.

Mr. Campbell then asked if the middle island would be removed from the parking lot. Mr. Pierce believes that is in the general area which is being demolished and new curbing installed and new parking alignments created in the retail area.

Mr. Doug Liberman with Larson Engineering was present on behalf of the applicant who then reviewed the site plan.

Mr. Liberman then addressed the island which he said was one of the main concerns because it separates everything in that area. He said there will be perpendicular patterns for traffic and the curbed island, stop signs and stop bars will be added to control traffic and create a more normal flow.

He referred to the parking area and travel routes in the area of Hardees, Applebees and Chick Filet as well as the revised preliminary plan and realignment.

Solicitor Rutt then explained that the site plan falls under the Planning Commission's jurisdiction and already received their approval. What is before Council is the subject of the conditional use and is what needs to be addressed.

He then asked Mr. Liberman to review the conditional use aspect.

Mr. Liberman stated that the following six special conditions must be met for the service station use within Section 230-14(c) of the City's Zoning Code:

(a) All facilities shall be located and all services shall be conducted on the lot.

- (b) All repair work shall be conducted within an entirely enclosed building.
- (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
- (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
- (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
- (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

He noted that they meet all the conditions. In particular, Valvoline is a four-bay shop and the vehicles will be parked in the rear, then driven into one of the bay enclosures where the work will be performed.

In addition, they have a thirty-foot setback.

Mr. Liberman also referred to the sidewalks throughout the site, as well as pedestrian connections. He pointed out that the new development will actually enhance pedestrian traffic throughout the site adding that this particular structure is somewhat isolated off to the side.

Mayor Shupe then opened the floor for public comment.

Michael Moyer of 507 Caulk Road stated he is a realtor and just as homes have amenities, cities have amenities. This is an amenity we don't have. Currently anyone that wants this specific type of service needs to go to Dover or Lewes. He is frequently asked questions about various services that are available in Milford and he feels this will be a positive addition.

There being no further comments, Mayor Shupe closed the floor.

Councilwoman Wilson moved to adopt Ordinance 2017-06, seconded by Mr. Starling:

*ORDINANCE 2017-06
Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use
Allow Car Repair Shop and/or Service Station
21.40+/- acres in a C3 (Highway Commercial) Zoning District
Property is located at the NE Corner of N DuPont Boulevard and NW Front Street Intersection
600 N DuPont Boulevard, Milford, Delaware
Present Use: Commercial Retail
Proposed Use: Commercial Retail with a Car Repair Shop and/or a Service Station
Tax Map MD-16-183.09-01-04.00*

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on February 21, 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 a car repair shop and/or a service station as herein described.

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

Section 1. Upon the adoption of this ordinance, Larson Engineering on behalf of Milford Plaza Enterprises is hereby granted a Conditional Use Permit to allow a car repair shop and/or a service station, 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: February 21, 2017

City Council Introduction: February 13, 2017

City Council Hearing & Adoption: February 27, 2017

Effective: March 9, 2017

Motion carried unanimously with the following comments:

Councilman Campbell votes yes agreeing that this quick type of service is needed in Milford and will be a plus and benefit to our residents especially as the City grows.

Councilwoman Peel votes yes based on the recommendations of the Planning Commission.

Councilman Burk votes yes based on the recommendations of the Planning Commission.

Councilman Brooks votes yes because it is needed and because he stated that all six requirements were met.

Councilman Morrow votes yes based on the recommendations of the Planning Commission.

Councilman Starling votes yes and agrees with the comments that have been made by his fellow Councilmembers.

Councilwoman Wilson votes yes based on the recommendation of approval from the Planning Commission. She added that she has considered what is available in Milford and believes that both Walmart and Firestone provide similar opportunities for this fast-type of service.

There being no further items, Councilman Campbell moved to adjourn the Public Hearings, seconded by Councilman Morrow. Motion carried.

The Public Hearings adjourned at 7:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 27, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 27, 2017.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr,
Douglas Morrow, 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

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:43 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling. A moment of silence was also observed in honor of Former Councilman Irvin Ambrose who passed away on February 23rd.

RECOGNITION

Milford Rotary Club/Flags for Heroes/Bicentennial Park

City Solicitor/Rotarian Rutt promoted the Flags for Heroes Project which is a national program to honor local heroes. This is the third year the flags will be displayed at the Bicentennial Park from May 22nd thru June 3rd. Both corporate and individual sponsorships are available.

The sponsor honors their hero by sponsoring a flag whereby a plaque is placed at its base to identify the donor as well as the hero for a \$50 donation. Heroes include, but are not limited to the military, first-responders, teachers or other personal heroes (past or present).

The money raised will be used for student scholarships. Last year, three scholarships totaling more than \$10,000 were awarded. This year, an exchange student will also be sponsored.

Mr. Rutt announced that in addition to himself, both the City Manager and Public Works Director Mark Whitfield are fellow Rotarians.

COMMUNICATIONS & CORRESPONDENCE

Governor John Carney Budget Reset

City Manager referenced the document in the packet that was issued at the Delaware League of Local Government meeting last week. Governor Carney discussed the State's budget situation at that time and critical issues of areas like healthcare and education that are outpacing the growth of key revenue sources. Over the coming weeks and months, Governor Carney will work with Democrats and Republicans in the General Assembly on a sustainable, long-term solution to our budget challenges. He, along with local legislators will be hosting community meetings where they want to hear ideas from members of the public.

A Community Conversation will be held on March 8th beginning at 6:00 p.m. at the Carlisle Fire Hall. The event will be

hosted by Senator Gary Simpson and Representatives Harvey Kenton, William Outten, Charles Postles and Dave Wilson.

Councilman Burk also attended the Delaware League Meeting and affirmed we are facing a very serious financial situation and believes there will be some major cuts in the local school districts. In turn, those districts will need to raise property taxes in order to fill that void.

Councilman Campbell also attended and added that the \$350 million deficit will cause some substantial cuts and that everyone will be impacted in some manner.

Councilwoman Wilson feels it is ironic that the public was never made fully aware of the shortfall until the new Governor took office. Councilwoman Peel pointed out that anyone employed by a State Agency was aware of the previous issues.

Citywide Property Maintenance Campaign

City Manager Norenberg discussed the press release issued last week to encourage residents to provide feedback by identifying and reporting code violations concerns.

The press release provides a link (cityofmilford.com/report) to the City Website where a form can be located on line and violations reported and submitted.

Updated City Branding

Mr. Norenberg reminded Council of the City's branding campaign over the past couple years that created a style guide which includes the "River Town * Art Town * Home Town" community logo. The City has been working with Ben Muldrow who helped with the updated design for business cards, letterheads and envelopes. Because of the new phone system that was rolled out in January, a number of our employees have new phone numbers.

He referred to the new image and color scheme adding that we are continuing to work on streamlining and simplifying the business cards due to a number of designs that were used in the past.

The new design for the vehicles will include reflective materials which will be easier to spot at night. In addition to the side doors, the new image will be added to the rear of the vehicles for the first time.

Some of the older vehicles will not be changed though the updated images will be added to all newly purchased vehicles.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS

Mispyllion River Project - Surface Water Matching Planning Grant

Authorization/Contract - Davis, Bowen & Friedel - Engineering Services - Design

Authorization/Contract - Davis, Bowen & Friedel - Engineering Services - Permitting

Planning Coordinator Pierce referenced two proposals prepared by Davis, Bowen and Friedel (DBF) related to the Mispyllion River Project. He recalled that in August of 2015, Council authorized the submission of a Planning Grant for a site characterization and preliminary design related to the removal of the causeway and implementation of a Living Shore Line Project. Included in the Parks and Recreation budget was a \$30,000 allocation. Council also approved another \$20,000 from the General Fund Reserves for a \$50,000 match needed for the \$100,000 project.

In March 2016, City Council authorized contracts with the Partnership for the Delaware Estuary (PDE) and DBF in the amounts of \$20,000 and \$13,200 for the site characterization and preliminary report. To date, PDE and DBF have completed that report and the contracts included in the Council packet involve the associated construction design and permitting.

Based on the current expenditures and contracts, the project design should total around \$65,000.

Councilmember Morrow made a motion to authorize the Davis, Bowen & Friedel Contract for Professional Engineering Services related to the design of the Mispillion River Project, seconded by Councilmember Campbell. Motion carried.

Councilmember Morrow made a motion to authorize the Davis, Bowen & Friedel Contract for Professional Engineering Services related to permitting for the Mispillion River Project, seconded by Councilmember Wilson. Motion carried.

Authorization/Appropriation/IBEW Negotiations & Legal Expenses

City Manager Norenberg recalled consulting with Council on the expenses associated with the organizing of the IBEW Local 126 within the Electric Department and the negotiating efforts. He indicated that the numbers have been adding up and he is requesting Council authorize the transfer of \$100,000 from Electric Reserves to the Electric Division's Legal Service Operation Budget Line Item (Account 205-5050-432-30-20) to cover these costs.

He noted that the budgeted amount of \$20,000 has been expended. The transfer is needed to cover both current and projected ongoing expenses through the end of the current fiscal year.

Councilmember Morrow moved to authorize \$100,000 from Electric Reserves to the Electric Division's Legal Expense Line Item, seconded by Councilmember Starling. Motion carried.

Authorization/Funding/Early Bond Buy-Back/Series 2011B

Mr. Norenberg reported the Finance Director continues to review areas where the City can save money including interest payments where possible. Currently, we have an opportunity for an early bond buy-back that will save some of the interest on the Bond Series 2011B. The buy-back will save over \$70,000 in interest within the General Fund, Water and Sewer Reserves and eliminate those payments over the next four budgets.

The total buy-back of \$1,042,762.50 includes the outstanding principal of \$1,035,000 and associated interest thru April 1, 2017 of \$7,762.50.

Councilmember Morrow moved that the City Manager and Finance Director be authorized to execute an early bond buy out for Bond Series 2011B, that the funds be appropriated from the respective Reserve Funds as indicated below that will save more than \$70,000 in interest and remove over \$1 million in future budgets thus providing additional funds to be used and help reduce the need for any rate increases:

General Fund Reserves	\$63,712.79
Water Reserves	\$684,573.58
Sewer Reserves	\$294,476.13
TOTAL	\$1,042,762.50

Motion seconded by Councilmember Burk and carried unanimously.

Southeast Water Tower and Treatment Facility/Water Issues

City Manager Norenberg recalled the recent issues with water discoloration for some of the residents in the southeast area of Milford last week. He then referenced the below memo prepared by Public Works Director Mark Whitfield which will keep Council informed and assure transparency should anyone have concerns:

On February 16, the Department began receiving various complaints regarding water quality from citizens being served by the southeast water tower and treatment facility. The area was concentrated primarily on Hearthstone, Shawnee Acres and Meadows at Shawnee. The complaints ranged from chlorine odor to discolored water (brown and yellow). Based on these complaints, the Department shut down the facility on Friday, February 17, and supplied water from other city sources.

Since that time, the Department, in concert with Delaware's Office of Drinking Water, has been testing water to determine what happened. It appears that a combination of abnormally high air temperatures, high levels of iron and manganese, and slightly high introduction of chlorine caused the problems. Regulating the chlorine at the southeast facility has been difficult, due to the very low usage water from the tower. As an example, water at Washington Street tower and NE 10th Street tower has a turnover rate of at least twice per day. Southeast tower turnover is about twice per month. In short, the Department continues to monitor and change chlorination and fluoridation levels based on the time water is stored. Chlorine dissipates as water sits within the tower, so higher usage makes regulating the chlorine levels much easier. Low usage make the regulation very difficult.

Additionally, the yellow discoloration comes from hydrogen sulfide mixing with chlorine in the water. Brown water is caused by high iron and manganese in the water mixing with the chlorine. High iron levels, mixed with chlorine and high temperatures, will cause the iron to separate, making the water brown.

The Department worked closely with the Office of Drinking Water, and they concluded that in no time was the water delivered to customers "unsafe". Chlorine levels were at 2.2 ppm, and EPA requires that the levels be below 4.0. While the iron, manganese and hydrogen sulfide is undesirable, the water was safe to drink. That said, the delivery of the discolored water is not acceptable from both the customer's point of view, and the Department's.

After leaving the water sit idle at the facility for a week, which allowed the iron particles to settle out, crews flushed the waterlines and tower on Friday, February 24th until clear water was running.

Of the two wells at southeast, we suspect high iron and manganese in Well #16. In order to dilute the chlorine level, the Department ran Well #15 over the weekend of February 25 & 26, without adding chlorine. As of today, the chlorine level was 1.22 ppm and water in the tank and lines were clear. The Department plans to turn the facility back on for public use on Tuesday or Wednesday this week.

Presently, the Department is awaiting test results on both wells with regards to iron, manganese and hydrogen sulfide. We have been in contact with both the design professional as well as the manufacturer of the chlorinator, to ensure the Department is operating the facility correctly. Once we have determined the cause of both the discoloration and elevated chlorine levels, we will make corrections to the plant operations. Additionally, the Department continues to investigate ways to create a greater turnover of water at the southeast site by redirecting water in the system. That said, the redirecting of water may cause rust and silt within the lines to loosen and disperse into the water, thereby once again creating discolored water.

Most of the low usage of the southeast tower will be eliminated once the new Bayhealth Hospital comes on line. Until then, the Department will continue to make alterations and corrections at the southeast facility to avoid the problems experienced over the past two weeks.

Councilman Brooks asked if it is normal to let the water sit still for a week; City Manager Norenberg explained the purpose is to allow the iron particles time to settle out.

It was confirmed that this mainly impacted the residential customers.

Mr. Norenberg announced that Water Operator Steve Ellingsworth did a great job responding to the incident while keeping in contact with the Police Dispatchers and returning phone calls to customers who had concerns throughout the weekend.

A couple days prior, he reported another unrelated minor incident that was created by an automobile striking a fire hydrant. However, that was addressed fairly quickly.

EXECUTIVE SESSION

Councilmember Burk moved to go into Executive Session reference below statute, seconded by Councilmember Peel:

{Pursuant to 29 Del. C. §10004(b)(9)} Personnel Matter-City Manager Follow-Up

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:08 p.m. for the purpose as permitted by the Delaware Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:23 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 Burk moved to adjourn the Council Meeting, seconded by Councilmember Starling. Motion carried.

The Council Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder