

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
May 29, 2018

The City Council of the City of Milford met in Workshop Session on Tuesday, May 29, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:31 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel,  
Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Second Ward Council Seat Vacant

*Kent Economic Partnership Presentation*

Mayor Campbell deferred to the City Manager who explained that he had previously seen this presentation when it was unveiled. Greater Kent Committee Executive Director Shelly Cecchet then introduced Members Craig Crouch and Bill Strickland.

Bill Strickland explained the intent is to talk about an economic development initiative. The Greater Kent Committee is a nonprofit membership organization created in the late 1980's by CEO and top business executives in Central Delaware. This is a dues-supported organization. At the present time, the Greater Kent Committee has almost 100 active members, all of whom are civic-minded business executives in Central Delaware.

Mr. Strickland reminded Council their signature project to date has been the DE Turf, which is the Kent County Regional Sports Complex Project, located in Frederica. The intent with the project was to attract out of state visitors into restaurants, hotels and shopping areas in Central Delaware.

The complex is seeing a lot of visitors and guests and having the profound economic impact as was desired. Overall impact includes 40,000 plus visitors on tournament weekends and 920 youth travel teams. While there were twenty events scheduled in 2017, there are forty events (weekend tournaments) in 2018.

He emphasized there was a lot of money and time spent with consultants who predicted the complex would have ten tournaments the first year and twenty tournaments the second year. They also never expected a town called Frederica, Delaware to be hosting a national tournament.

Mr. Strickland proudly announced that those numbers doubled in both years and a national lacrosse tournament is scheduled this year.

The organization's next project is economic development. They have looked at economic development in the State which has been reformed by the Carney Administration to have two components. The first is a State-run component and the second is a public/private partnership titled the Delaware Prosperity Partnership. The Delaware Prosperity Partnership has already hired their new director Kurt Foreman who came from Oklahoma to Delaware. The Partnership is overseen by representatives from all three counties.

Mr. Strickland shared that the Delaware Prosperity Partnership is located above the canal. It is believed that a lot of the emphasis that organization undertakes will be driven toward initiatives in the New Castle and the City of Wilmington.

The Greater Kent Committee looked at it as a venture they needed to participate in and made a three-year commitment of \$10,000 annually as a result. In addition to recommending a consultant be hired, the committee hired Rockport Analytics to conduct a study to identify Kent County's best future economic development prospects.

The recommendation was to begin a comprehensive approach to economic development in Central Delaware. In this approach is a collaboration between key constituencies that include the best of both the private and the public sectors to work together to take advantage of the assets in Kent County. It was determined that a lot of success stories align with government, healthcare and poultry processing. They also provided an understanding of the lack of activity in manufacturing and a few other segments of the economy.

The Rockport representatives looked at some recommended targets such as distribution, warehousing and logistics and determined they should be considered as new economic drivers for Central Delaware. Other targets are healthcare and though Bayhealth is much at the front here in Milford, there are other needs for physicians, outpatient care facilities, nursing and community care, medical and diagnostic labs.

The Rockport Analytics also identified some challenges such as workforce attraction, quality of life, cultural, arts, recreational, shopping, evolving broadband infrastructure, travel infrastructure access and needs to change the traditional post secondary curriculum for a targeted workforce. There is a need to work more collaboratively with local colleges.

Business and legal services include areas like computer design and programming, scientific research and development, human resource services, advertising and public relations and legal, accounting and building services. The study claims that there is the potential for 4,500 jobs if businesses sprung up to meet the demand. Average salaries in the field hover around \$80,000.

What is needed is a much more focused economic development effort in Kent County than had previously been done. As a result, three groups came together. The Greater Kent Committee, the business group, Kent County Levy Court, who previously employed the executive director of the Kent Economic Partnership and the Kent Economic Partnership (KEP) of which Councilman Mergner is involved as Milford's representative.

A reorganization of the KEP was advocated and the first step was the hiring of an executive director. The KEP is very close to making an announcement on the hiring of an economic developer. They are also busy working with businesses and municipalities on an aggressive fundraising campaign. A presentation has been made to the City of Dover and discussed with the request with the Town of Smyrna.

They are asking these communities, including Milford, to join with the Greater Kent Committee, who has committed to more than \$100,000 to support this effort on an annual basis. In addition, the Levy Court has contributed \$100,000 plus on an annual basis.

The City of Dover has been asked for \$50,000 and the Town of Smyrna and the City of Milford are both being asked for \$30,000 respectively.

The Greater Kent Committee is asking for this financial support to help bring business to Kent County because if they don't do this themselves, they will play second fiddle to the initiatives taken by the State of Delaware, which will most likely involve the County of New Castle and the City of Wilmington.

Mr. Strickland agrees that they also need to be open minded and pointed out this initiative will not just be focused on Dover. He referenced the sports complex that is in Frederica and they believe that Kent County is too small to look at directing growth in just one area. Milford has a lot of critical assets that businesses and other economic engines will look for, as does Smyrna.

As a result, the Greater Kent Committee is formally asking the City of Milford to consider a contribution of \$30,000 annually to support the Kent Economic Partnership initiative, which will be a collaboration effort of the Greater Kent Committee, Kent County, Kent County Municipalities and other private interests.

When asked about Sussex County, Mr. Strickland stated they are unaware of similar initiatives but because Kent County is the smallest of the three counties, this is an opportunity to get out front early. They need to be ahead of what is being done on a State and Sussex-County level.

Mr. Strickland also pointed out the City of Milford is a member of the Greater Kent Committee. He also asked for the City to continue their support by paying the annual dues to stay a member of that Committee. They believe the return on investment to the City of Milford is realized with the petitions for new hotels, the influx of people as a result of DE Turf, as well as other initiatives the Greater Kent Committee is involved with.

Mr. Strickland confirmed the dues are \$1,750 per year.

Mr. Norenberg noted that our budget hearings begin on Monday, June 4<sup>th</sup> at 5:00 p.m. Based on how Council feels about the \$30,000 request, any questions should be asked at this point, and some direction given on whether the City Manager should build the \$30,000 into the budget for Fiscal Year 2018-2019.

Councilmember Peel said she had the same thoughts about the sprawl to the north of the canal, though the sports complex at Frederica has proven a great success and never believed there would be a north and south Frederica exit built in her lifetime.

Councilmember Peel also pointed out that some of the representatives on this committee, including those that are here tonight, are actual ambassadors of Milford and she assumes that when selling Kent County that Milford is included because we do have a lot to offer, particularly with healthcare being a target and the improvement to the quality of life south of the City.

Mr. Strickland agrees adding that there is a little too much Kent and not enough Central in the description. However, it is Central Delaware and to him Milford is one community whether it is the Kent or Sussex portion. What Bayhealth is doing will be catalyst for growth and if that occurs near the new health campus, they are thrilled and will be very much apart of driving that.

Councilwoman Peel also like the idea of public and private partnerships which allows the work to be done more quickly than just involving the public.

Councilman Mergner then added that being part of this Committee for more than a year, he is very impressed with the dialog and ideas, as well as the brain power in the room at these meetings. He looks forward to going to these meetings and representing Milford on a monthly basis. He is confident this Committee is for real and they are behind making some changes and progress. He is very happy to be part of it.

Solicitor Rutt asked if Milford will be able to call the Executive Director and request someone come to Milford when needed for various things. Mr. Strickland believes the Executive Director makes or breaks this type of effort. This person will be housed in the Kent County Office even though they are not a Levy Court employee. The oversight responsibility will continue to be the Board of the Kent Economic Partnership (KEP), consisting of representation from Milford, Dover, Smyrna and private businesses.

Mr. Strickland encourages Milford to be in contact with the Executive Director, along with the other groups. He referenced a number of vacant commercial buildings in Milford and asked if they are recruiting and if Nemours is helping to fill those offices and if other subsets of healthcare should also be looked at. Those types of conversations are being encouraged to make this work which will allow the City to realize the investment for the asset they are seeking.

In addition to the financial commitment, there is another \$100,000 of in-kind contributions being made.

Mr. Strickland said they are asking for a three-year \$30,000 per year commitment from Milford. However, if Milford does not find they are getting a good return, that can be discussed.

It was confirmed the City only pays dues or contributes to Downtown Milford, Incorporated, Milford Museum and the Carlisle Fire Company. The City is a member of the Greater Milford Chamber of Commerce.

City Manager Norenberg is recommending a simple agreement be created that would outline the roles and responsibilities and expectations of the City and the Kent Economic Partnership to ensure that Milford will receive something in return for its investment.

Councilwoman Peel stated that as we think about some of the efforts needed to launch a marketing campaign for any vacant real estate and the ways we want to invest to share the word that Milford is open for business. This is a group that is already brokering and matching businesses with needs that already exist. She feels that some of the smaller, isolated things we are doing on our own would benefit from these groups.

Councilwoman Wilson agrees adding that by taking this investment and measuring it with the number of potential jobs it can create, could be mind blowing. That is besides the salaries and benefits that will be afforded to those employees.

Councilman Mergner also pointed out that by doing this, we are not only getting one person, we are getting a group of leaders from other communities who are in touch with businesses interested in coming to Delaware. He feels the networking side is very important.

Mr. Strickland pointed out that the DE Turf is not in Milford, but is in Frederica. However, the impact of that complex is definitely being felt in Milford to a great extent, as well as Smyrna, Harrington and Dover. Some analytics will need to be developed to better quantify the return on investment. However, at this point, it is about finding those businesses regardless of whether they are in the for-profit or not-for-profit world that will have the type of catalytic effect on all of Central Delaware. Input will be needed from these communities to make this successful and he is very confident that will develop over time.

City Solicitor Rutt pointed out that Sussex County has its own Economic Development Department and Bill Pfaff is the Director.

It was agreed that the representatives were no longer needed when the two related matters came up on the regular Council Meeting agenda.

The Workshop Session concluded at 7:15 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
May 29, 2018

Milford City Council held Public Hearings on Tuesday, May 29, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Christopher Mergner, Mike Boyle, Lisa Peel, Owen Brooks Jr.,  
Douglas Morrow, James Starling and Katrina Wilson

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Second Ward Council Seat Vacant

Mayor Campbell called the Public Hearing to order at 7:15 p.m.

Planning Director Rob Pierce was also present.

*ADOPTION/ORDINANCE 2018-13*

*Gator & Associates Inc. for an Amended Conditional Use*

*C3 Zoning District*

*North side of Milford-Harrington Highway, approximately 3,600 feet west of South DuPont Boulevard Intersection*

*Present Use: Brew Pub with Distillery/Retail*

*Proposed Use: Same with Warehouse and amended hours of Brew Pub*

*Tax Map MD-16-173.00-01-12.00*

Planner Pierce reviewed the application stating this is an amendment to an existing Conditional Use Application. The public notice was published in the Milford Beacon on March 28, 2018 and all properties within 200 feet of the parcel received notification.

The original conditional use approval was received from City Council on September 26, 2016 for the Easy Speak Brew Pub and Distillery in a C-3 zone at 586 Milford-Harrington Highways. Also included in the approval was a fitness center and warehouse.

City Council granted approval of the conditional use with the condition limiting the hours of operation for the brew pub from 4:00 p.m. until 11:00 p.m. Sunday through Wednesday and 4:00 p.m. until 1:00 a.m. Thursday through Saturday.

It was brought to the City's attention that the hours of operation had been expanded and the applicant was asked to return for an amendment to the hours of operation originally approved. As a result, the applicant is requesting an amendment to revise the hours of operation from 10:00 a.m. to 11:00 p.m. Sunday through Wednesday and 10:00 a.m. to 1:00 a.m. Thursday through Saturday.

The modification was reviewed by the Planning Commission on April 17, 2018 who recommended approval by unanimous vote.

Zack King, Manager of Easy Speak, was present. He stated there have been some changes in the original business plan from more than two years ago relating to the hours of operation and the reason he is before Council is to ensure they comply with the conditional use approval.

There being no further questions from City Council, Mayor Campbell asked if there were anyone who wished to speak in

favor of the application or in opposition. No one responded.

Mayor Campbell then closed the floor to public comments.

Councilman Mergner then moved to adopt Ordinance 2018-13, allowing for the amendment to the hours of operation only, seconded by Councilwoman Wilson:

RESOLUTION 2018-13

Associates Inc. for an Amended Conditional Use in a C3 Zoning District;  
Located on the north side of Milford-Harrington Highway,  
approximately 3,600 feet west of S DuPont Boulevard intersection, Milford, Delaware  
Present Use: Brew Pub with Distillery/Retail  
Proposed Use: Same with amended hours of Brew Pub  
Tax Map MD-16-173.00-01-12.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on April 17, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on May 29, 2018 to consider all information presented by City Staff, the Applicant, written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use that amends a previously-approved Conditional Use as herein described.

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

Section 1. Upon the adoption of this ordinance by City Council, Gator & Associates Inc. is hereby granted a Conditional Use Permit to amend the original Conditional Use, in accordance with the application, effective on the date so noted.

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: April 17, 2018

City Council Introduction: May 14, 2018

City Council Public Hearing: May 29, 2018

Adoption: May 29, 2018

Effective: June 8, 2018

The motion carried by the following unanimous roll call vote:

Mergner-votes to approve based on the recommendations of the Planning Commission.

Boyle-votes yes based on the recommendation Council received from the Planning Commission.

Peel-votes yes to approve based on the unanimous recommendation of the Planning Commission and the fact they are properly maintaining their conditional use.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes due to the unanimous recommendation by the Planning Commission and to continue their original conditional use with this approval.

Starling-votes yes based on the reasons stated by his fellow Councilmembers.

Wilson-votes yes as was recommended by the Planning Commission.

*FINAL MINOR SUBDIVISION**Applicant Paul Mills**R1 Zoning District**Located on the northeast side of McCoy Ave and the south side of Elizabeth Street, Milford, Delaware.**Tax Map 3-30-10.12-064.00*

Solicitor Rutt announced he is recusing himself because he has represented Mr. Mills in the past.

Planning Director Pierce reviewed the application stating the parcel currently contains an existing single-family detached dwelling that double fronts McCoy and Elizabeth Street.

The applicant proposes the parcel be subdivided into two lots. The applicant has requested two variances from the Board of Adjustment which were reviewed and approved during their March 8, 2018 meeting. One was for a reduction in the rear yard setback of Lot 1 and the other was for a reduction in the rear yard setback requirement for the residual parcel fronting McCoy Street. Both were needed to make the minor subdivision compliant with the zoning ordinance.

The residual parcel fronting McCoy Street will be required to construct sidewalks along the entire frontage of the parcel. However, the applicant is seeking a temporary waiver from Chapter 197 Streets and Sidewalks along the entire frontage Elizabeth Street. Elizabeth Street has no sidewalks on either side for the entire length.

Other than the two variance requests noted previously, the minor subdivision meets the requirements set forth in Chapter 230 Zoning and Chapter 200 Subdivision of Land. A new driveway is proposed for Lot 1 along Elizabeth Street. The driveway must be concrete or asphalt and meet the requirements of the City's construction standards and specifications and placement must be approved by the City Engineer

The notice was published in the Milford Beacon on March 28, 2018 and all properties within 200 feet of the parcels received a copy of the public notice.

The Planning Commission reviewed the application and voted unanimously to recommend approval on April 17, 2018.

Surveyor Robert Nash of Merestone Consultants, was present on behalf of the applicant. Mr. Nash referenced the Planner's comments adding that the variances were approved by the Board of Adjustment in order to fit the homes on the lots and to make them compatible with the neighborhood.

He noted that the garage shown on the site plan has been removed.

Mr. Nash also requested the waiver of sidewalks for the parcel on Elizabeth Street because sidewalks do not exist on the street thought they will be installed on McCoy Street as required by City Code.

Mayor Campbell then opened the floor to public comment. No one responded. The floor was then closed.

Councilman Brooks moved to approve the Final Minor Subdivision for Paul Mills at 6 Elizabeth Street, as described by the City Planner, seconded by Councilwoman Wilson.

Motion carried by the following roll call vote:

Mergner-vote to approve as was recommended by the City's Planning Commission.

Boyle-votes to approve the subdivision based on the recommendation of the Planning Commission and because both properties will still qualify for the minimum lot size requirements in the R1 zoning district.

Peel-votes yes to approve based on the recommendation of the Planning Commission and in consideration of the decision of the Board of Adjustment.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes due to the unanimous recommendation by the Planning Commission.  
Starling-votes yes based on the reasons that have been previously stated.  
Wilson-votes yes based on the review and recommendation of the Planning Commission.

*FINAL MINOR SUBDIVISION*

*Applicant: Renate K Wiley and Joseph E Wiley*

*R3 Zoning District*

*431 North Street and 433 North Street, Milford, Delaware*

*Tax Map MD-16-183.06-02-29.00 and MD-16-183.06-02-30.00*

Planner Pierce reviewed the application, involving .162 +/- acres at 431 and 433 North Street stating this is similar to the previous application. The public notice was published in the Milford Beacon on March 28, 2018 and all properties within 200 feet of the parcel were mailed notices.

Both are vacant legal nonconforming lots in terms of sizes and are zoned R3 Garden Apartment and Townhouse District. The applicant proposes to move the common property boundary between the two existing parcels 4.5 feet to the southeast to create two lots of equal width. The proposed lot line adjustment required variance approvals from the Board of Adjustment for the lot width and lot area. These variances were approved on April 12, 2018.

Mr. Pierce confirmed the lots could be built on as they currently exist with eight foot sides, but moving the property line approximately four feet will provide some additional separation between the two lots making them more consistent.

Other than the above referenced variances, the proposed lot line adjustment meets the requirements of Chapter 200 Subdivision of Land and Chapter 230 Zoning.

Applicant Joe Wiley of 202 Lakeview Avenue referred to the Planning Director's comments. He stated that one lot is 34 feet wide and the other is 40 feet. He is proposing to center the lot line to make the lots more consistent and allow better parking.

Mr. Pierce added the Planning Commission recommended approval by unanimous vote.

Mayor Campbell then opened to floor to public comment. No one responded and the floor was closed.

Councilwoman Wilson moved to approve the Final Major Subdivision at 431 and 433 North Street as recommended by the Planning Commission and Planning Director, seconded by Councilman Starling.

Motion carried by the following unanimous roll call vote:

Mergner-vote to approve based on the Planning Commission's recommendation and the Board of Adjustment approvals of variances.

Boyle-votes to approve based on the approval by the Board of Adjustment and the recommendation of the Planning Commission.

Peel-votes yes and it makes sense to realign lot line.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes due to the approval of the Planning Commission and the Board of Adjustment.

Starling-votes yes for the same previous reasons stated by Councilmembers.

Wilson-votes yes based on the review and recommendation of the Planning Commission and Board of Adjustment.

*ADOPTION/ORDINANCE 2018-14*

*Code of the City of Milford Part II-General Legislation*

*Chapter 230-Zoning*

*Article III-Use and Area Regulations*

*§230-19.3-IM Institutional Medical District*

Planning Director Pierce recalled when there were discussions about Nationwide Health Care who was interested in acquiring and rehabbing the current hospital site. At the time, there was a request for an IM category to make a Wellness Village at that campus.

The existing IM category is a district in Milford's current Zoning Code. However, there is no property in the City of Milford designated IM. As a result, no other properties would be impacted.

The main changes relate to the permitted uses and the addition of a conditional use section to the IM. Currently residential housing is listing as a by-right permitted use within the IM zoning category. Following the discussions with Nationwide at the City Council Public Hearing last July, there was a lot of concern expressed about residential housing. That evening, residents were informed that additional public comment would be taken on any changes in the future development of that land.

Staff is recommending moving the housing component from a by-right use to a conditional use in case there was development on that property would need a public input process.

There was also some discussion for ancillary facilities to be located on the Nationwide Campus including cafeterias, snack and gift shops, and similar uses consistent with a hospital or medical facility. As a result, the following items were added:

- (13) Cafeteria facilities, snack and gift shops, banking facilities, restaurants, retail, personal service shops, and laundry facilities primarily for the use of healthcare employees, patients and visitors.
- (14) Pharmacies.
- (15) Hospitals and all other healthcare facilities, including any and all support services related thereto were pulled from the IS category that applies to the new Bayhealth Campus.

Mr. Pierce emphasized that a Public Hearing will be scheduled to rezone the majority of the Clarke Avenue facility from H1 and various other zoning districts, to the IM. This is the first step in the process.

The notice of this Public Hearing was published in the Milford Beacon on April 25, 2018 and the Planning Commission reviewed and recommended approval at their May 15, 2018 hearing.

It was confirmed there was no response for public comment at the Planning Commission hearing though there will be subsequent Public Hearings to rezone these properties within the next couple months. As a result, all property owners will receive notice within 200 feet of the property. The notice will also be published in the Milford Beacon.

Councilwoman Peel stated that because this has the greatest impact on Ward Two, and the initial response from area residents, Nationwide Representatives has since done an excellent job of engaging the neighbors who will be impacted directly. She anticipates community conversations to be held around the end of July. In addition, Councilwoman Peel remains in regular contact with those representatives who are agreeing to work in phases until the impact of Phase 1 is clearly understood.

In her opinion, this change simply cleans up the code and any further applications will be required to go through the public hearing process which will allow the community to have input and eliminate any surprises.

Mayor Campbell then opened the floor to public comment.

Fred Mitsdarfer of 190 Fairhill Drive, Wilmington was present on behalf of Nationwide. He echoed what Councilwoman Peel and Planning Director Pierce had already stated. He stated that the change will help increase community input and the focus of Nationwide has always been the reuse of the main hospital building first and then finding the best use for the remaining space.

Mr. Mitsdarfer reiterated that they have formed a community working group of twelve members and anticipate a meeting the end of July/early August to discuss the potential for residential development. Otherwise, they intend to move forward with

more medical-related uses associated with the Assisted Living Facility intended for that site.

No other person wished to comment. Mayor Campbell closed the floor to further comments.

Councilwoman Peel moved to adopt Ordinance 2018-14, seconded by Councilwoman Wilson:

*ORDINANCE 2018-14  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION CHAPTER 230 ZONING  
ARTICLE III-USE AND AREA REGULATIONS  
§230-19.3-IM INSTITUTIONAL MEDICAL 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 determines the need for amendments and additions to the Zoning Code of the City of Milford; and*

*WHEREAS, City Council has determined all uses permitted in the R-8 Zoning District and residential housing owned, maintained and operated by a healthcare organization for the primary benefit of its patients, patient families, and/or healthcare employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other healthcare facility are appropriate conditional uses in the IM-Institutional Medical Zoning District.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. Chapter 230 is hereby amended by making deletions as shown by strike through and insertions as shown by underline in the May 29, 2018 Council Packet.*

*§ 230-19.3. - IM Institutional Medical District.*

*Section 2. Dates.*

*Planning Commission Review & Public Hearing: May 15, 2018*

*City Council Introduction: May 14, 2018*

*City Council Hearing & Adoption: May 29, 2018*

*Effective Date: June 8, 2018*

Motion carried by the following unanimous roll call vote:

Mergner-votes to adopt the Ordinance based on the recommendation of the Planning Commission and the City Staff's comments of making this development more community-friendly.

Boyle-votes yes to adopt the amended Ordinance based on the review by and recommendation of the Planning Commission. Peel-votes yes and feels the institutional medical district will be a better fit and this will ensure community engagement in regard to the conditional use.

Brooks-votes yes and agrees with Councilwoman Peel.

Morrow-votes yes based on the opinions of the other Councilmembers and the facts that were presented.

Starling-votes yes and agrees with the comments stated by the Councilmembers.

Wilson-votes yes based on the Staff's recommendation and this appears to clean up our Zoning Code and believes this is the beginning of some thing positive things that will happen in the near future.

There being no further business, Mayor Shupe recessed the Public Hearing at 7:43 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
May 29, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, May 29, 2018.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, 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

ABSENT: Second Ward Council Seat Vacant

#### CALL TO ORDER

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

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

##### *Public Works Employee*

Public Works Director Mark Whitfield shared that Delaware Technical and Community College recently recognized the Water Professionals of the Year for the State of Delaware. Nominated by a State of Delaware associate, Water Plant & Wastewater Pump Station Operations Supervisor Steve Ellingsworth was one of five nominated statewide.

Mr. Whitfield commended Mr. Ellingsworth for the work he has done over the year and his ability to address the rare issues that happen as recently occurred at the Meadows at Shawnee. He noted that Mr. Ellingsworth and City Engineer Erik Retzlaff actually met with each individual who was personally impacted until those residents were satisfied.

He then presented Mr. Ellingsworth with a token of appreciation for his hard work and dedication to the City.

Councilman Boyle then added that the problem involved approximately twelve random houses throughout the community and Mr. Ellingsworth actually visited every home that had a problem. The plans from the Water Department were pulled and reviewed until Mr. Ellingsworth and City Engineer Erik Retzlaff were able to analyze the source of the problem.

In addition to the countless hours dedicated to finding a solution, they stayed on call all weekend in case the problem resurfaced.

Councilman Boyle commended both employees for responding to what seemed to be a somewhat minor problem, with that kind of enthusiasm to the extent they did, and he and his neighbors are very grateful.

City Manager Norenberg also referenced a recent situation in which two of our Public Works Employees stopped to assist with a disabled vehicle with a flat tire. The two City Workers were able to change the tire so that the mother and her two children were able to continue on their way.

He pointed out these are just a few examples of the great employees who on a regular basis go above and beyond to help the

public or those in need at a particular time.

*Customer Service Manager*

Mr. Norenberg then recognized Customer Service Manager Debbie Johnson who has been extremely involved in the Smart Metering Project.

City Accountant Suzannah Frederick stated that when she began her employment with the City in August, two months later she met with the Public Works Director who indicated that Finance and Customer Service should oversee the Smart Metering Project, which she was unfamiliar with. Ms. Frederick immediately contacted Ms. Johnson who is the City's Software Specialist in addition to being our Customer Service Manager.

Since that time, Ms. Johnson has been working with three different software companies to merge the programs to the point of making it operational within our system. The first load of electric meters occurred last week and though there were a couple of glitches, Ms. Johnson was able to decipher the problem and correct it.

Ms. Johnson was also presented with a token of appreciation from Ms. Frederick for the extra time and many hours she puts into her work.

COMMUNICATION & CORRESPONDENCE

Nothing to report.

UNFINISHED BUSINESS

*Kent Economic Partnership Funding Request*

City Manager Norenberg then asked for some direction and whether Council wished to find funding in next years budget to participate in this program. He suggests an agreement be created on behalf of both entities which he plans to discuss with Smyrna and Dover as well.

Mr. Norenberg noted that Councilwoman Wilson made an earlier comment that by contributing to something that is part of the greater good, Milford should be able to reap a lot of benefits without paying the costs of a full-time employee. It was confirmed that the \$30,000 would be paid out of the Economic Development Fund.

Councilman Brooks questioned the three-year commitment; Mr. Norenberg recalled that Bill Strickland's earlier comment that if Milford did not feel they were getting their money's worth, it would be addressed and the City could potentially back out. He feels the Partnership understands the City's need to adequately measure the return on investment.

Mayor Campbell recommends waiting until the budget hearings to discuss this along with the other funding requests we have received. Councilman Morrow agreed adding that perhaps it can be added to the budget to see if it fits in the bottom number. The only concern expressed is that we get our money's worth considering the amount.

Councilwoman Peel feels that if we don't, someone else will take advantage of it. Councilman Mergner feels that the City also has to be actively invested and need to participate in order for it to be successful. Mayor Campbell said he is very comfortable with Councilman Mergner being on the committee to represent us and agreed the City would be buying into a very strong network.

The consensus was to move forward and include the money in next year's budget.

*Approval/Greater Kent Committee Annual Dues*

Mayor Campbell then referred to the matter of \$1,750 annual dues from the Greater Kent Committee.

It was confirmed the City has paid this in the past.

Mr. Starling moved to pay the Greater Kent Committee Annual Dues in the amount of \$1,750, seconded by Councilman Mergner. Motion carried.

*Adoption/Resolution 2018-12/Scheduling Special Election/Second Ward Vacancy*

It was noted the Special Election to fill the unexpired term of the Second Ward Councilman has been scheduled for Thursday, August 23, 2018 from 7:00 a.m. to 7:00 p.m.

Mayor Shupe asked if anyone in the public had any comments regarding Resolution 218-12. No one responded.

Councilman Morrow moved to adopt Resolution 2018-12, seconded by Councilman Mergner:

**Resolution 2018-12**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, ESTABLISHING THE DATE AND GIVING NOTICE OF THE INTENT TO HOLD A SPECIAL ELECTION ON THURSDAY, AUGUST 23, 2018 FOR THE ELECTION OF AN UNEXPIRED TERM OF ONE CITY COUNCIL SEAT THROUGH MAY 2019 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF DELAWARE AND THE CHARTER OF THE CITY OF MILFORD.

WHEREAS, Article IV Council Government-Composition, Qualifications, Vacancies and Procedure, of the Charter ("Charter") of the City of Milford and specifically § 4.05(A)(2) states that the Office of a Councilperson shall become vacant upon death, resignation 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; and

WHEREAS, Article IV § 4.05(C) of the Charter further states that if a vacancy occurs in the City Council and the remainder of the unexpired term is more than twelve months, the vacancy shall be filled by a special election, to be held in accordance with Delaware Code Title 15 Chapter 75 entitled Municipal Elections; and

WHEREAS, on May 14, 2018, City Council adopted Resolution 2018-11, calling for a Special Election to be scheduled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILFORD HEREBY RESOLVES AS FOLLOWS:

Section 1. That pursuant to the requirements of the Laws of the State of Delaware and the City of Milford relating to Municipal Elections, there is called on Thursday, August 23, 2018, a Special Election for the purpose of electing a Member of the City Council to fill an unexpired term from September 2018 through May 2019.

Section 2. That notice of the time and place of holding the election be given and that the City Clerk is authorized, instructed and directed to give further notice of the Candidate Qualifications and Filing Deadline and Voter Requirements and Registration Deadline in the manner as required by law.

Section 3. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until seven o'clock p.m. of the same day when the polls shall be closed.

Section 4. That the candidate receiving a majority of the votes cast be declared elected to such office and the certification by the City of Milford Board of Election.

Section 5. The election shall be held and conducted as provided by law for holding Municipal Elections in the State of Delaware.

Motion carried.

## NEW BUSINESS

### *Planning Commission Appointment*

Mayor Campbell announced that when former Commissioner Mike Boyle was elected to City Council, that left a vacancy. Multiple applicants were interviewed and it is his recommendation that Jason L. James Sr. of 1 James Drive in the Fourth Ward, be appointed to fill the vacancy.

Councilmember Wilson moved to confirm the appointment of Jason L James Sr. to fill the remaining Planning Commission vacancy through August 31, 2019, seconded by Councilmember Peel. Motion carried.

### *Approval/Land Installment Contract Amendment/Touch of Italy/Il Nostro Locale LLC*

Planning Director Pierce recalled the City executing a land installment contract with Il Nostro Locale LLC (Touch of Italy) for two lots in the Greater Milford Business Park consisting of approximately two acres of land. One was under the ownership of the City of Milford and the other was underutilized property that had been purchased back by the City with the intent to sell at an agreed-upon contract price.

The agreement was dated August 8, 2016. Because of a number of timeline issues related to the start-up of their downtown project, that agreement has since expired.

The matter is on the agenda tonight for Council to re-approve and re-execute the same agreement with a new upstart time for the job creation levels required. The agreement also requires the project to begin with eighteen months and allows periodic payments to the City for the right to use the land that will eventually come under their ownership.

Mr. Pierce reiterated there is no change in the terms and it simply restarts the time frame.

Bob Ciprietti addressed Council stating he is the sole owner of Touch of Italy and Il Nostro Locale. Mr. Ciprietti touched briefly on the litigation related to Touch of Italy over the past year that recently concluded with the sale of Touch of Italy to a company called Farindola LLC that he also controls.

Today, the permit was received to start construction on the old M&T Bank Building. He anticipates the restaurant/deli to open in Fall 2018.

Mr. Ciprietti explained that they are also prepared to proceed with the construction of their Commissary in the business park and anticipates another three months before that work begins.

Councilwoman Wilson explained that they really were excited about Touch of Italy coming to Milford and are anxious for the project to move forward. Mr. Ciprietti assured Council he is ready to go though ultimately the legal matter slowed things down. His priority was to protect the 200 families involved.

Councilmember Wilson moved to approve the renewal of the Land Installment Contract Amendment for Touch of Italy/Il Nostro Locale LLC, seconded by Councilmember Starling. Motion carried.

### *Adoption/Ordinance 2018-15/Chapter 19-Economic Development and Redevelopment*

Planning Director Pierce reviewed the amendment to Chapter 19 adding this is the result of the increased activity with new construction and renovation work in the Downtown Development District (DDD).

One issue related to tax abatements and properties converted from rentals to owner occupied. An amendment is proposed that would require the property to have been registered as a rental with the City at the time of the DDD designation in August 10, 2016. This prevents any potential loophole whereby a buyer may purchase an existing owner-occupied home, rent it for

a few months and then return it to an owner-occupied home again in order to be eligible for a tax abatement.

The Cabinet Committee on State Planning Issues has reviewed and approved the amendment, as is required by the program.

Mr. Norenberg confirmed this will not impact any current properties and is being put in place to prevent future problems.

Mayor Campbell opened the floor for public comment. No one responded.

Councilman Morrow commended Mr. Pierce and Mr. Norenberg and agreed it will close a loophole in the Ordinance.

Councilmember Morrow moved to adopt Ordinance 2018-15, seconded by Councilmember Wilson:

ORDINANCE 2018-15  
CODE OF THE CITY OF MILFORD  
PART I-ADMINISTRATIVE LEGISLATION  
CHAPTER 19  
ECONOMIC DEVELOPMENT AND REDEVELOPMENT  
ARTICLE III-SPECIFIC ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS  
§19-9-DOWNTOWN DEVELOPMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City of Milford enacted an Economic Development and Redevelopment Code, Chapter 19, to promote economic development and redevelopment within the City of Milford; and

WHEREAS, from time to time, City Council determines the need for amendments and additions to the Economic Development and Redevelopment Code of the City of Milford; and

WHEREAS, City Council has determined in order to be eligible for a tax abatement through the development incentives provided in the Downtown Development District, the property must have been registered with the City as a rental property as of August 10, 2016, which is when the State of Delaware designated downtown as a Downtown Development District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 19 is hereby amended by making insertions as shown by underline as follows:

§ 19-9. - Downtown Development District Incentive Program.

C. Development Incentives.

(4) Abatement of Property Taxes.

(a) Incentive Beneficiaries shall qualify to receive City of Milford property tax abatements for a period not to exceed ten (10) years. The abatement period shall commence from the date of final certificate of occupancy.

(b) Rehabilitation Projects.

i. If the incentive beneficiary improves the assessed value, as determined by the City Tax Assessor, by more than 50% of the original assessed value, the incentive beneficiary shall receive a full abatement of City property taxes for ten (10) years.

ii. If the incentive beneficiary improves the assessed value, as determined by the City tax assessor, by less than 50% of the original assessed value, the incentive beneficiary shall receive a partial abatement of City property taxes on the value of the improvements for ten (10) years.

(c) New residential or commercial construction shall receive a full tax abatement for five (5) years.

(d) Properties converted from rental units to owner occupied housing shall receive a full tax abatement for ten (10) years, subject to continued occupancy by the property owner. In order to be eligible for the tax abatement, properties must have been registered as a rental property with the City of Milford at the time of Downtown Development District Designation by the State of Delaware, which was August 10, 2016.

## Section 2. Dates.

Introduction: 05/14/18

Adoption: 05/29/18

Effective: 06/08/18

Motion carried.

*Adoption/Resolution 2018-10/Sidewalk Waiver/Paul & Barbara Jean Mills/6 Elizabeth Street*

Planning Director Pierce referenced the earlier conversation during the Mills Minor Subdivision Public Hearing at which time the sidewalk waiver was discussed.

Mayor Shupe asked if anyone from the public wished to comment, no one responded.

There being no further discussion, Councilmember Wilson moved to adopt Resolution 2018-10, seconded by Councilmember Starling:

Property Owner: Paul &amp; Barbara Jean Mills

Address of Property: 6 Elizabeth Street

Milford, Delaware 19963

Tax Map No: 3-30-10.12-064.00

## RESOLUTION 2018-10

## Sidewalk Waiver

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.
2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.
3. Waiver, as approved and conditioned by Milford City Council, on May 14, 2018 shall be reflected on the Site Plan.

Motion carried.

City Manager Norenberg again mentioned that though Council can continue to handle these through the resolution process, he is willing to consider an administrative approval to shorten the time frame it takes to add these standard requests to Council agendas. However, Council would need to make that decision because it would require a code change.

Councilmember Wilson feels that it should be a priority to get funding, and possibly grant money, for sidewalk installation in neighborhoods similar to Elizabeth Street that have no sidewalks.

## EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:18 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 8:25 p.m.

*MPD Teamsters Negotiations*

Mayor Campbell announced that no action was required.

ADJOURNMENT

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

The Council Meeting adjourned at 8:27 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder