

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 25, 2018

The City Council of the City of Milford met in Workshop Session on Monday, June 25, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:15 p.m.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Mike Boyle, Douglas Morrow,
James Starling Sr. and Katrina Wilson

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

City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and Lisa Ingram Peel
Second Ward Council Seat Vacant

Ordinance 2018-17/Floodplain Code Amendments/Chapter 130

City Manager Norenberg recalled that at the April meeting of the Community and Economic Development Committee Meeting, City Planning Director Rob Pierce presented several potential changes in code, practice and policy that would impact economic development. The Committee directed Mr. Pierce to present the information to full Council and suggested some experts provide their opinions on any impact to commercial developments in the downtown area.

The draft revision to Chapter 130 presented that evening included an amendment to the height of the lowest floor elevation on structures within the 100-year floodplain. The proposed change was to add an additional eighteen inches to that height requirement.

The Committee requested more information on the subject matter, as well as specific information from insurance agents and those that have dealt with construction in relation to these requirements.

The City reached out to the following individuals:

Greg Williams, CFM
Environmental Scientist
State of Delaware, DNREC

Mike Wheedleton, AIA
Architect-Principal
Davis, Bowen & Friedel, Inc.

Gary Downs
Owner & Insurance Agent
Downs Insurance Associates, Inc.

Mr. Williams from the State of Delaware was present to provide a brief presentation on the benefits of adopting higher floodplain standards.

Mr. Wheedleton from Davis, Bowen and Friedel (DBF) discussed some related projects and most recently renovations to their new office building at the old Skating Center in Milford which required the floodproofing standards and FEMA's flood insurance program requirements.

Mr. Downs was also in attendance to answer any questions from an insurance rate standpoint.

This portion of the City Codes was also discussed during the Comprehensive Plan Update process according to Mr. Pierce. At that time, some presentations were made to the Planning Commission by Delaware Department of Natural Resources Environment Control (DNREC). As a result, some goals and objectives were added to the Housing Section related to the adoption of a freeboard.

Mr. Williams introduced himself as the Environmental Scientist from DNREC and the State National Flood Insurance Program (NFIP) Coordinator. The City of Milford is participating in the NFIP and has agreed to adopt a set of floodplain regulations. In return, FEMA provides flood insurance to the residents of the City.

He referred to a picture of downtown Milford during which time substantial flooding occurred after a Nor-Easter in 2008 emphasizing that flooding does not happen just in floodplains.

Mr. Williams then referred to a probability curve showing the relationship between the flood recurrence intervals and the probability of an event occurring within a 30-year time frame. The graph shows the percent chance for one more flood of a given magnitude being equaled or exceeded in that period. Over that 30-year period of time, there is a 26% chance of that 100-year flood event occurring. Because of that, if a property is located within a floodplain, over a typical 30-year mortgage time frame, there is a 26% chance of that 100-year flood or what is commonly referred to as a 1% annual chance event.

He noted that FEMA has gone away from the 100-year floodplain language and instead uses the 1% annual chance to define flood events in an attempt to prevent it from being considered a flood that occurs once every 100 years.

DNREC's floodplain maps can be viewed on their website www.de.gov/floodplanning where aerial photos and tax parcel information can be found.

There are limitations to the flood insurance rate maps (FIRM) and the reason why freeboard or the symantec measure protection above what FEMA requires as the minimum:

FIRM's show an analysis of flood scenario based on past events and data.

- *Indicate areas of high, moderate, low risk.
- *Future conditions are not taken into account.
- *Margin of error in calculations.
- *Mother nature is unpredictable.
- *Conditions continuously change – one map will not suffice.

FEMA has federal minimum regulations. Currently Milford follows the regulations where the lowest floor of all development occurring in the floodplain must be at or above the Base Flood Elevation for all development that occurs in the floodplain. The base flood elevation is the flood which FEMA has determined to be that 1% annual chance event.

FEMA offers the National Flood Insurance Program (NFIP) which is a voluntary program and communities choose to participate. Those that participate adopt and enforce floodplain regulations, permit all development that occurs in the floodplain and includes filling and grading using the map containing the most updated data available

In 2011, the 146th General Assembly passed Senate Bill 64 which established a Floodplain and Drainage Advisory Committee who was tasked with coming up with higher standards for floodplain and drainage.

That committee convened over several months and established a number of higher standards. It was then passed back to the General Assembly who did not take action on it, though they did task DNREC to promote higher standards to communities in Delaware. About that time, Delaware was getting new maps as a result of a recent FEMA evaluation which the City of Milford adopted in 2014 and 2015. The majority of communities adopted the majority of those standards that DNREC recommended.

One of those recommendations was the adoption of freeboard as part of the Floodplain Ordinance as an added measure of protection for future development from flood risk.

Freeboard is the factor of safety usually expressed in feet above the base flood elevation. If FEMA makes the determination that the base flood elevation is some set amount, freeboard is an added measure of protection above that. FEMA's requirement is that the bottom floor be at or above the base flood elevation. Anything below such as floor joists, duct work, insulation, etc. would be susceptible to flooding under FEMA's minimum requirements.

Mr. Williams reported there will always be storm events greater than the 100-year flood event so there is no guarantee that water will never go above the requirement. Things can happen, including culverts becoming blocked, though it is the fault of no one.

The majority of communities in Delaware have chosen to adopt eighteen inches of freeboard. The benefit of eighteen inches is an added measure of protection from a building construction and floodplain management standpoint. From an insurance standpoint, it is actually rated for two feet of protection which makes their flood insurance much cheaper versus just one foot.

Incorporating freeboard into new construction is extremely cost effective. Long-term savings on flood insurance will more than offset the costs. Adding two feet of freeboard to a new home might add \$20 a month to the mortgage payment, or \$240 per year. The resulting flood insurance savings could be more than \$1,000 a year.

In the City of Milford, there are 91 flood insurance policies. Sixty are residential and thirty-one are non-residential structures. Of those, 44 policies are in high risk, 29 pre-FIRM and 15 post-FIRM flood zones.

When asked about the impact on existing structures, Mr. Williams explained that if freeboard is adopted by the City, it would only affect new construction and substantial improvement to existing structures. It was clarified that substantial means improvements greater than 50% of the market value of the structure would be required to comply with the new regulations.

Planning Director Pierce added that if it were a non residential structure, such as a commercial building, they had the option DBF used which was to flood proof up to the base flood elevation. Currently, Milford's Code requires twelve inches above the base flood elevation. If the proposed revisions were adopted, it would add an additional six-percent interest to the current requirement or eighteen inches above the base flood elevation. That may require reinforcing the walls or adding some imperviable epoxy or material on the exterior of the building.

According to the Planner Director, the current code requires new construction at the base flood elevation and any significant improvements (more than 50% of the market value) to an existing building, requires dry proofing that structure up to twelve inches above the base flood elevation. The new provisions add a new standard requiring six more inches for new construction and substantially improved buildings. That provides for that structure to last thirty, forty or fifty years.

Mr. Pierce emphasized that would not involve a \$10,000 or \$20,000 renovation, for example. This would be a major investment and a \$1.4 million investment in DBF's case.

Because the regulations have been on the books for many years, it was confirmed that most builders should be aware of the base flood elevation, in addition to architects, engineers, surveyors, etc. When a building permit is submitted within a floodplain, a survey of the property is required for review to ensure it is compliant with the City's Code, as well as FEMA regulations.

Councilwoman Wilson said she is only concerned with the impact on the current downtown businesses because they are in a flood prone area. Mr. Pierce reiterated that the current Code already has provisions that address a small business that is substantially improving their building (50% above market value). In that situation, waterproofing and flood proofing is required up to the base flood elevations plus twelve inches. The proposed change only adds six inches to that requirement. As long as the construction costs are not 50% of that buildings value, a simple permit is issued.

The only proposal is to modify the twelve-inch requirement to an eighteen-inch requirement.

Mr. Wheedleton from DBF then addressed Council that he was in Milford at the time of the downtown fire in 2003. A lot of businesses had to be rebuilt along Walnut Street. That meant flood proofing up to the base flood elevation which is set by FEMA.

The new DBF building was renovated last year. He referenced the photos in Mr. Williams' presentation (see Council Packet) and specifically the water that was coming up to the door of the old skating rink. He said that is the worst flooding he has seen as far as he can remember which includes the Nor-Easter of 1962.

Mr. Wheedleton pointed out that number was about base flood five. The current base flood elevation requires nine or protects up to nine feet or four feet above the depth of the water shown in the skating center picture. They went another foot above that because they were able to obtain better flood insurance.

He explained that they put a flood proofing urethane membrane on the outside. There are four sets of steps/doors, and flood gates had to be built. They have steel gates on the ground and the wall that resist the passage of water and a neoprene gasket on the outside. That was done at a cost of \$10,000 to \$12,000 for the four doors.

He believes that a commercial renovation currently requires zero.

Mr. Wheedleton emphasized it is not a lot of trouble to flood proof the outside wall. However, the flood gates go up to the ten-foot level, which is the base flood elevation plus twelve inches and definitely allows for a better insurance rate.

He also noted that the mortgage and insurance companies make the rules and the property owners are going to do what is necessary. However, in the long run it does save money.

Mr. Wheedleton added that FEMA sets the number at nine feet which he feels is extremely high. But that is the regulation and what has to be done.

He also referenced a flood proofing certificate that is needed on the floor levels. The old loading dock in the rear of their property that was built in 1960 is at 7.4 feet and is still 20 inches below the base flood elevation requirement. The floor has been built 2.5 feet above the original doors that were on the building.

Mr. Williams explained the current requirement for the floodplain regulations for non-residential structures are being substantially improved, either by flood proofing or elevation. What DBF chose to do was flood proof their building though some of the commercial structures downtown may have the ability to elevate it inside.

Mr. Wheedleton pointed out it would be impossible to get some of the buildings downtown to raise a floor nine feet so flood proofing is more feasible in those situations.

Insurance Agent Gary Downs then spoke about how some mitigation techniques could affect insurance premiums. He stated the NFIP (National Flood Insurance Program) is an FEMA program. The insurance companies are administrators and do not set the rates. All rates are the same regardless of which insurance company you choose.

He stated that during the last couple of years, the Biggert Water Act impacted a lot of the modifications to the flood maps in the areas. Some property owners found themselves in higher flood maps and vice versa and many times in different portions of the property. That resulted in premium changes and many elevations in premium costs, in addition to some surcharges of \$25 for residents for primary residences and a \$250 surcharge was added to secondary residences which are typically located in the beach areas.

Mr. Downs stated that a lot of the flood insurance they handle is at Slaughter Beach, Prime Hook, Lewes, Broadkill, etc. In Milford, there are some areas adjacent to the river in the downtown area that are also high risk.

The biggest way to reduce those premiums is by elevation. However, he also understands that elevation is not always an

option so the question becomes what can be done as far as elevation internally. Options include raising the floor or filling in the basement.

He stressed that elevation is the biggest thing a property owner can do to impact their premium. When they sell a flood insurance policy, the first thing they need is an elevation certificate. The certificate shows where the structure is as it relates to the base flood level.

He reported that for every foot above the base flood level, there is a 30% reduction to the premium which could result in substantial changes in the premium.

If there is an elevation of the lowest level floor, particularly in a two-story building, there can be a reduction in premiums. Anything that increases the level above the base floodplain will reduce the premium.

Other options include flood vents, flood barriers and flood gates. Another option is elevating utilities and bringing air conditioning, heating and electric units above the flood level. These are other ways to provide credits on flood insurance.

He also noted that if Milford becomes part of the community rating system (CRS) and installs various mitigation techniques and provides education for property owners, that could mean a significant decrease in premiums for property owners especially in a high-risk zone. It could result in a five-percent to forty-five or fifty-percent reduction in insurance premiums.

Mr. Downs stated that waterproofing and sealing and using steel deals and waterproof windows, building flood walls may or may not affect the premium though it is a great mitigation technique especially when elevation is not an option. That works in places like Ellicott City, Maryland where there is the potential of rushing waters, flash flooding, etc. In Milford, the risk is the Mispillion River rising with the tides during a Nor-Easter or a heavy rain event. That causes a more gradual increase in water but does not have the driving torrent forces.

He reiterated that these are options insurance businesses recommend to help clients to reduce premiums which can be anywhere from \$200 to \$4,000 to \$5,000, depending on the location and elevation of the structure.

There is also a private flood insurance program because the NFIP only covers up to \$250,000 on the property and does not cover anything below grade, such as basements and items in the basement. There is another market for those properties above that limit, both commercial and personal. Different criteria and discounts are used in those situations.

Councilwoman Wilson said she understands the program and feels that some individuals may find it appealing if they understand. She is only considering the individuals and businesses downtown and adjacent to the river. She hopes they are aware of the proposal and the advantages. However, she would not want something that could create a later hardship.

Planner Pierce again shared that these regulations are already in place for renovations and new construction. More property owners downtown will most likely not lift the floor but instead will choose the flood proofing techniques that already require twelve inches above the base floodplain.

He also emphasized that anyone putting a lot of money into a renovation or building a new structure, will want this built into that structure to ensure it will last for many years.

He will continue to provide as much information to Council as possible.

City Manager Norenberg concluded by stating this is only one step in the process. The next step would be to present this to the Planning Commission for review, which will provide another opportunity for input from the community. He agrees there is a large area of downtown impact, as is shown on the FEMA maps. He believes Downtown Milford, Inc. would be a good avenue to communicate with the business community.

Mr. Norenberg also reported they have had some very detailed conversations about the Riverfront Theater's plans for expansion and how to work within this program to make that building waterproof.

Councilman Boyle pointed out the proposal will benefit the downtown in the long run. Making property owners aware of this will hopefully encourage waterproofing.

The Councilman also recalled a briefing on the potential threat from global warming when he was on the Planning Commission. The fact is we are observing the sea-level rise which could have a double impact on the floodplain.

Councilman Boyle feels this is a very important matter and he would even favor increasing it to two feet because eventually that will be needed. The sooner it is done, the less of a cost it will be and a bigger benefit to anyone renovating or building in Milford's floodplain.

Mr. Pierce stated that most communities have adopted the eighteen-inch requirement because they receive the two-foot reduction on their insurance rates.

He will provide additional information after it is presented to the Planning Commission and thanked the three experts who attended this evening.

It was confirmed that any property owner with a federally-backed mortgage, would be required to have flood insurance based on the zone established by FEMA. Some non-residential buildings downtown that do not have mortgages are not required to carry flood insurance though they should be encouraged.

Mr. Williams reiterated that adopting freeboard and taking those added measures of protection can provide any flood insurance policyholder a five to fifteen-percent discount.

Mr. Downs stated that the highest discount can be 45% though most communities are not getting that. Most are receiving the five to fifteen-percent based on the communication on mitigation and some of the requirements. As mentioned earlier, that, along with elevation, are the two options with the largest impact on the flood insurance premium.

The Workshop Session concluded at 7:15 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
June 25, 2018

On Monday, June 25, 2018, Milford City Council held Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Mike Boyle, Owen Brooks Jr., Douglas Morrow, James Starling Sr., and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and Lisa Ingram Peel
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Hearings to order at 7:18 p.m.

ORDINANCE 2018-16

JD Barnard on behalf of Barnard Properties Partnership for a Conditional Use

Allow multiple permitted uses or mixed uses in a C3 Zoning District

2.70+/- acres

Located at the southeast corner of intersection North Rehoboth Boulevard and NE Tenth Street

601 North Rehoboth Boulevard, Milford, Delaware

Present Use: Retail, Wholesale Establishment with Associated Warehouse

Proposed Use: Same with Three Suites

Tax Map MD-16-174.18-03-25.00

Planning Director Rob Pierce reviewed the application stating the applicant proposes to convert the existing single occupancy retail and warehouse building, presently known as Federated Auto Parts, into three tenant spaces to be used as retail and warehousing space. The existing building is approximately 36,000 square feet in area. The proposal will split the existing building into three units, consisting of a 14,936 square foot unit, a 9,740 square foot unit and a 11,309 square foot unit.

Based on Chapter 230-45, in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements.

In addition, the application has requested a Conditional Use Approval based on Chapter 230-14 (C)(3), which states a Wholesale Establishment is considered a conditional use subject to special requirements and City Council approval.

The Council packet includes an evaluation based on Chapter 230-48 for conditional use applications. Also included is a location and zoning map, survey with improvements, narrative from the applicant's representative and the pertinent sections as related to the request.

The Public Notice was published in the Milford Beacon on April 24, 2018 and all properties within 200 feet of the parcel received a copy.

The Planning Commission held a related public hearing on May 15, 2018 and recommended approval of the application by unanimous vote.

The site meets the parking requirements in the code as shown on the striping plan. The City requested that be updated as part of the building approval process, including ADA accessible parking spaces in place.

Mr. Pierce then referenced the site plan showing the changes.

Mark Redden, AIA, of Archology Services, was present on behalf of Mr. Barnard with the project.

He shared that the original tenant used to have a regional warehouse and distribution center in the building. The distribution process has since been downsized and only one-third of the structure utilized.

The plan is to divide the building into three units for use by two more tenants with similar uses. The goal is to provide warehouse/storage space or a wholesale/retailer, such as a siding or roofing distributor that typically handles bulk type orders to larger professional clients. It is not being considered for use by a small business where vehicular and foot traffic is ongoing throughout the day.

They will provide similar parking requirements and delivery schedules as previously existed to prevent disturbing the surrounding residential properties.

As the City Planner alluded to, the parking will be restriped, sidewalks updated and the ADA disability access upgraded toward the back half of the building.

Councilman Brooks asked the hours; Mr. Redden stated that the operation hours will be very similar to what currently exists. They may extend their hours slightly though they do not know who the tenants will be at this point. The intent is standard business hours will be used for a wholesale/retailer or warehouse facility.

Councilman Brooks said he has lived there almost fifty years and he has been on council thirty plus years and he has only received two complaints that Mr. Barnard had nothing to do with. One was the City trash crew picking up trash at six o'clock in the morning and one time they were unloading trucks in the early morning. In the middle of the night, the City Manager called and it was taken care of so he has felt safe for the last fifty years, adding they have been good neighbors.

Mr. Redden thanked Councilman Brooks adding they intend to maintain that relationship by not changing it into a business that would change the nature of the neighborhood, parking situation or increase the amount of traffic going up and down the street. However, they do plan to upgrade the sidewalks.

There being no further questions from City Council, Mayor Campbell opened the floor for public comment. No one responded and the floor was closed.

Councilman Boyle stated that part of the Planning Commission's recommendation came with some caveats of minimum conditions for approval and asked if Council needs to stipulate that in the resolution; Planning Director Pierce explained the minimum conditions were discussed which include:

- * The applicant must obtain approval from the State Fire Marshal's Office for the restriping of the parking lot and the parking lot shall be striped in accordance with the approved plan.
- * Sidewalks must be installed along the entire frontage of N. Rehoboth Boulevard with ADA accessible ramps at the entrance and provide markings for the pedestrian crossings at both entrances.
- * The applicant must obtain a building permit from the City of Milford for any interior renovations and commercial signage.

Mr. Rutt explained that conditions can be established though the applicant has already offered to install sidewalks. Any conditions should be included though many are technical through the permitting process.

Councilwoman Wilson moved to adopt Ordinance 2018-16, with the conditions as stated above, to include sidewalks, seconded by Councilman Brooks:

ORDINANCE 2018-16

JD Barnard on behalf of Barnard Properties Partnership for a Conditional Use

Allow multiple permitted uses or mixed uses

2.70+/- acres

C3 Zoning District

Southeast corner of intersection North Rehoboth Boulevard and Northeast Tenth Street

601 North Rehoboth Boulevard, Milford, Delaware

Present Use: Retail, Wholesale Establishment with Associated Warehouse;

Proposed Use: Same with three suites

Tax Map MD-16-174.18-03-25.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on May 15, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on June 25, 2018 to consider all information presented by City Staff, the Applicant, and 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 to allow multiple permitted uses or mixed uses, as herein described.

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

Section 1. Upon the adoption of this ordinance by City Council, JD Barnard on behalf of Barnard Properties Partnership is hereby granted a Conditional Use Permit to allow multiple permitted uses or mixed uses, 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: May 15, 2018

City Council Introduction: June 11, 2018

City Council Public Hearing: June 25, 2018

Adoption: June 25, 2018

Effective: July 5, 2018

Motion carried by the following unanimous roll call vote of those Councilmembers present:

Boyle - votes yes stating that the applicant meets the City's needs in terms of the Comprehensive Plan and this will provide more business opportunities within Milford, in addition to the business having been there for more than fifty years and this is a progression of how business is conducted today.

Brooks - votes yes they run a good business there and that kind of business is needed.

Morrow - votes yes based on the comments made and the Planning Commission's recommendation.

Starling - votes yes because of the review and recommendation of the Planning Commission.

Wilson - votes yes based on the Planning Commission's recommendation.

Atlantic Concrete Company Inc. for a Final Minor Subdivision

5.30+/- acres

R2 Zoning District

Located on Wilkerson Terrace, Milford, Delaware

Tax Map MD-16-183.08-01-04.00

&

David A. Wilkerson for a Final Minor Subdivision

11.70+/- acres

*II Zoning District;**Located at 300 Wilkerson Terrace, Milford, Delaware**Tax Map MD-16-183.07-01-23.00*

Planning Director Pierce reviewed the minor subdivision/lot line adjustment application of 16 acres of jointly owned land located on the south side of Northeast Front Street at the end of Wilkerson Terrace. The Comprehensive Plan designation is industrial and both parcels are zoned I-1. Mr. Wilkerson proposes to convey 4.006 acres of parcel 23.00 to parcel 04.00 as shown on the survey plan.

In order to meet the lot width and road frontage requirement, the applicant proposes to dedicate an additional 150 linear feet of the 30-foot right-of-way at the end of Wilkerson Terrace to the City of Milford. A note has been added to the plan stating that any future development on these parcels will require dedication depending on the proposed use as is required in Chapter 200 Subdivision of Land.

The application was reviewed by the Planning Commission on May 15, 2018, at which time approval was recommended by unanimous vote. All properties within 200 feet of the two parcels received a copy of the Public Notice.

David Wilkerson was present and explained that Atlantic Concrete and he have interest in proceeding with the subdivision. His parcel was larger than he was interested in and doing this, required the process of a land line division.

Mr. Wilkerson referenced the City Planner's comments adding they were complete in what has occurred and appreciates his help and Council's consideration.

There being no questions from City Council, Mayor Campbell opened the floor to public comment. No one responded. The floor was then closed.

Councilwoman Wilson moved to approve the final minor subdivision and conveyance of 4.006 acres from Tax Map MD-16-183.07-01-23.00, owned by David A. Wilkerson to Tax Map MD-16-183.08-01-04.00, owned by Atlantic Concrete Company, Incorporated on Wilkerson Terrace, seconded by Councilman Morrow.

Motion carried by the following unanimous roll call vote of those Councilmembers present:

Boyle - votes yes based on the review and recommendation submitted by the City Planning Commission.

Brooks - votes yes based on the Planning Commission.

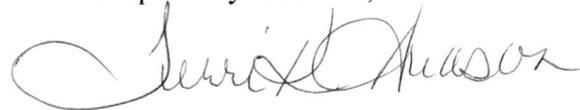
Morrow - votes yes based on the Planning Commission's recommendation and the division makes sense.

Starling - votes yes because of the review and recommendation of the Planning Commission.

Wilson - votes yes based on the recommendation of the City Planner and the Planning Commission.

There being no further business, Mayor Campbell adjourned the Public Hearings at 7:40 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 25, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 25, 2018.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Mike Boyle, Owen Brooks Jr., Douglas Morrow, James Starling Sr., and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and Lisa Ingram Peel
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:40 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Boy Scout Troop 116

Scout Leader Ed Huey introduced Zach Wheway and Hayden Giuttari noting they are presently working on their Communications Merit Badge. One of the requirements is to attend a Council Meeting to observe how the process works.

COMMUNICATIONS & CORRESPONDENCE

Delaware Legislative Matters

The City Manager referenced two bills provided by DEMEC that could have a potential impact on the City's electric operations. SB 265 would affect the renewable portfolio standard and is different from the earlier related discussion. The bill would adversely impact the Renewable Portfolio Standard, by changing the freeze level currently in legislation and limit the growth of renewables within our community and utility system. There are some safeguards in place to ensure we do not have too many renewables in our system to ensure we can manage and handle them.

Mr. Norenberg pointed out the more concerning bill is HB 480 that significantly changes the Net Metering Program by requiring the City to pay consumers, regardless of the size of the array they put on their roof, for the electricity they generate over and above their use. Our current process allows for crediting what is generated during the day and used during the night. This would allow for much greater solar panel installation and credits being paid far in excess of what is being generated and consumed for demand charges and other fees.

He noted that Delaware Electric Cooperative is also opposed to these bills.

He encouraged Councilmembers to speak to any state legislators to help delay these bills at least until the next session so they can be evaluated. This is particularly alarming because it appears they are being introduced and rushed with very little

review and consultation.

UNFINISHED BUSINESS

Authorization/of Payment SE Milford Pump Station Change Order

Public Works Director Mark Whitfield advised that we have not yet received this information though he expects to have by the next Council meeting.

Authorization and Funding/Five Additional Milford Police Officers

Mayor Campbell emphasized there is a need for five more police officers in Milford. He is hoping to transfer funds from one of our reserves to fund the police officers.

The Mayor asked for a motion to approve it.

Councilwoman Wilson recalled a recent Police Committee meeting at which time the Committee discussed and agreed on the need for the additional officers. Because the Committee was in agreement, the next step was to ascertain where the money would come from.

Mayor Campbell confirmed that the funding has since been found. He met with the Finance Director and it was agreed it would be taken from the water reserves. As a result, \$1.3 million will be taken to cover the cost of these five officers for the next three years.

The Mayor is confident that with the increase in population and new homes being built and homes bought and sold, will generate the additional transfer tax, property tax and impact fees to help cover the costs of the additional five officers. He agrees there is a need for increased public safety.

Mayor Campbell said he and Chief Brown have met with a few people and wants very badly to get this taken care of.

Councilman Boyle moved to authorize \$1.3 million from water reserves to fund five additional Milford Police Officers, seconded by Councilman Starling. Motion carried by the following roll call vote:

Boyle - votes yes, this is a pressing need for the City of Milford to relieve the overworked police officers and to reduce the overwork case loads currently that the officers are carrying and to enhance the safety of the community as a whole.

Brooks - votes yes, it has been needed for a while.

Morrow - votes yes and believes this will make Milford a much safer community.

Starling - votes yes for the safety of the community and the Police Department who needs them.

Wilson - votes yes and also wants to mention that Councilman Peel is on the police committee and was supportive of this request. The one word that sticks out in her mind is sustainability and she feels Council needs to work hard to make sure this can be financially supported in the future.

Mayor Campbell also wanted the record to reflect that Councilman Mergner also was in favor of the new officers.

Mayor Campbell thanked Council stating this issue is near and dear to his heart and he appreciates everyone's support.

Chief Brown then thanked Mayor Campbell for his leadership and overseeing this matter because he understood how important this was. He also thanked the Police Committee. He stated this has been needed for a while and though he downplayed it for a while, it got to the point there was a bigger need for the officers and his focus had been on the new building. But because of the increase in shootings and other crimes, it has gotten really bad and he had to change his focus.

Chief also thanked the officers for the sacrifices they made noting that they have been running with minimal staffing because many officers go without any days off because his staff is always asking them to do so much. He appreciates it and told those

in attendance that help is coming though it will take a year before any results are seen because of the training time involved.

NEW BUSINESS

Approval/Downtown Milford, Inc. Operating Agreement

City Manager Norenberg presented the agreement that was negotiated and discussed with DMI over the past few months. It was also discussed with the Community and Economic Development Committee a few weeks ago as well as Council during the budget workshops.

He noted that this agreement is much more detailed than past agreements and spells out the scope of services as well as the communication and quarterly reporting that DMI has agreed to provide.

A similar agreement was provided to Carlisle Fire Company in terms of services provided in exchange for the annual funding, in addition to regular reporting and communication.

Board President Sara Pletcher and Executive Director Murrie Zlotziver were both in attendance. President Pletcher thanked Council for considering the agreement and the increase to \$45,000 this year. She said they are looking forward to continuing to work downtown to bring business, people, visitors and festivals in support of what the City does.

Mr. Norenberg noted this is the first increase in several years and following this first year, it will be based on a regular review process, as well as the consumer price Index.

Councilwoman Wilson thanked Mr. Norenberg for the work he has put into this, adding that Council requests a lot, most with very little time, so she appreciates this getting done in a timely manner, in addition to his relationship with those individuals necessary to see this completed.

The City Manager thanked Council for their support as well.

Councilman Morrow moved to authorize the five-year Downtown Milford, Inc. agreement, seconded by Councilwoman Wilson. Motion carried with no one opposed.

Introduction/Ordinance 2018-11/Solid Waste Code Amendments/Chapter 193

City Manager Norenberg introduced the following ordinance:

ORDINANCE 2018-11
Chapter 193
Solid Waste Management

Whereas, the Council of the City of Milford possesses the authority to amend the Solid Waste Management Code that regulates and provides for the collection, recycling and disposal of solid waste materials within the City of Milford; and

Whereas, the City's Public Works Staff proposed changes to the Code, that includes the licensing of private solid waste haulers within its jurisdiction and the removal of associated fees, rules and regulations from the published Code and transferred to additional documents entitled Solid Waste Fee Schedule and Rules and Regulations that are administered by the City Manager; and

Whereas, following notice of the Council's intention to amend the Code, a Council Meeting was held on July 9, 2018 at which time Council provided the opportunity for the public to comment on the recommendations; and

Whereas, the City Council finds that the adoption of the updated provisions is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Milford, the following ordinance retitled "Solid Waste" is hereby amended.

Section 1. Chapter 193 is subsequently renumbered to Section 185-25, stricken language indicated in strikethrough and additional language shown as underlined:

Chapter 193 - SOLID WASTE MANAGEMENT

A full version is available in the June 25, 2018 Council Packet.

Section 2. Dates.

Introduction June 25, 2018

Adoption: July 9, 2018

City Manager Norenberg reminded Council these amendments have been reviewed on two occasions with the Public Works Committee and then the Finance and Public Works Committee.

It will be presented at the July meeting with a full report.

Renewal/First State Inspection Agency Building Planning Review & Inspections Contract

Planning Director Pierce referenced a renewal of the existing agreement with First State Inspection Agency, Inc. (FSIA). City Council approved the original contract in June 2017 for residential and commercial building plan review and inspection services.

The approval of the FY2019 budget includes funding to refill the Building Official position; however, the City will need some time to advertise, interview and hire someone. In the meantime, this will provide some overlap in coverage. Another option to consider is keeping FSIA on board for on-call services if and when they would be needed.

The contract is dated to extend through the end of the FY18-19 fiscal year.

It was noted that we have completed a portion of the Code Official hiring process, which is different from the Building Inspector that was approved at the June Council meeting.

Mr. Pierce confirmed the City received more than seventy applications for the Code Official though they have been reduced to the most qualified candidates.

Councilman Boyle moved to extend the agreement with First State Inspection Agency, Inc. for Fiscal Year 18-19 to continue providing inspection services, seconded by Councilman Starling. Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statute, seconded by Councilmember Boyle:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:03 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 8:13 p.m.

MPD Teamsters Negotiations

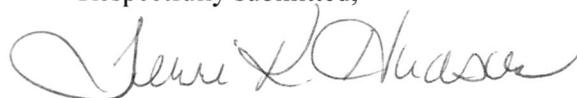
Mayor Campbell announced that no action was required.

ADJOURNMENT

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

The Council Meeting adjourned at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk/Recorder