

City of Milford



CITY COUNCIL AGENDA

Monday, October 8, 2018

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

6:30 P.M.

WORKSHOP

Transfer Development Rights Program

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Proclamation 2018-13/Dysautonomia Awareness Month

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Annexation/Lands belonging to Gilbert C. & Irene D. Simpson

Applicant Windward Communities LLC

5919 South Rehoboth Boulevard, Milford

Tax Map 3-30-11.00-43.00

1.940 +/- Acres

Current Zone AR-1/Proposed Zone C-1

Annexation/Lands belonging to Derek R. Parker & Shawn L. Bernhard
Applicant Bright Nest LLC
7195 Cedar Creek Road
Tax Map 3-30-11.00-6.15
1.01 +/- Acres
Current Zone AR-1/Proposed Zone C-3

Communication & Correspondence
Special Council Meeting Reminder

Unfinished Business
KEP Presentation/Agreement Approval

New Business
Adoption/Resolution 2018-18/Authorization to Submit DSWRF Loan Application®
Introduction/Ordinance 2018-22/JGC&J Inc Conditional Use
Introduction/Ordinance 2018-23/Chapter 204/Taxation/Milford Lodging Tax
Introduction/Ordinance 2018-27/Electric Tariff Amendment/Appendix B/Residential Rates
Introduction/Ordinance 2018-28/Annexation/Lands belonging to the City of Milford,
20167 Elks Lodge Road, Lincoln, DE, Tax Map 3-30-15.00-058.02
Appointments/Parks and Recreation Advisory Board

EXECUTIVE SESSION

Motion to Recess into Executive Session
Pursuant to 29 Del. C. 29 §10004(b)(4) Collective Bargaining Matters

Return to Open Session
MPD Teamsters Negotiations

Adjourn

All items on the Council Meeting Agenda are subject to a potential vote.

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

© Public Comment, up to three minutes per person, will be accepted.

082018 091418 091719 092118 100118
100518 Items Removed
100818 Item Removed



TO: Community & Economic Development Committee

FROM: Rob Pierce, Planning & Development Director

DATE: July 9, 2018

RE: **Transfer of Development Rights (TDR) Program**

With the development of the SE Master Plan in 2011, and the adoption of the 2018 Comprehensive Plan, the City committed to pursuing a Transfer of Development Rights (TDR) program to preserve agricultural lands and open space along the east side of the “Southeast Neighborhood” area as shown and outlined in Chapter 4 of the master plan (see attached). The land use exhibit designates specific areas where preservation is desired, called sending areas, and designates areas where increased density is permitted, called receiving areas. The maximum density allowed in the sending areas will be 8 dwelling units per acre.

The City met with the State of Delaware Department of Agriculture (DDA) to begin discussions on how the program would operate. Preliminary discussions indicate that the developers would purchase density bonuses from the City and the funds will be held by the City in a TDR bank. The DDA would utilize its current preservation program to solicit preservation easements from those properties specifically identified in the City’s plan and the TDR funds would be used to purchase these preservation easements.

Once the formal details are agreed upon between City staff and the DDA, a presentation will be made to City Council before introducing amendments to the City Code. We are targeting September for the date of the presentation and adoption of code amendments before the end of the calendar year.

Chapter 4

Agricultural Preservation

The Delaware Department of Agriculture (DDA) supports and endorses the City of Milford Southeast Neighborhood Master Plan. The Department is especially encouraged to see the large area of farmland to southeast designated as continued agricultural use. The state has already made a significant investment of taxpayer's money to permanently preserve a number of farms in this area through the Delaware Agricultural Lands Preservation Foundation (DALPF). In addition, the Department has performed a Land Evaluation/Site Assessment (LESA) analysis of the parcels designated as Open Space-Agricultural in the plan. The LESA model was developed by the United State Department of Agriculture (USDA) to evaluate a parcel of land's suitability to remain in agriculture for the foreseeable future. The analysis showed all of the parcels are well-suited, and best used, for agricultural in the future. The DDA will continue to work with land owners in this area to preserve their farms permanently, and build on the investment the state has already made.

Simply preserving farmland is not enough to encourage and support farming in the state. State government and municipalities must make the occupation of farming a viable and rewarding living for the farmer and their family. The Department offers some suggestions below that are mutually beneficial to both the city and the surrounding farms. In addition, the Department has outlined a plan for a transfer of development rights (TDR) program whereby the city and DALPF can partner to permanently preserve the farmland identified in the master plan.

In addition to providing a living to farmers, farmland provides a number of intangible benefits to the cities and people who live around them. In the case of Milford, preserving the farmland to the southeast will create a predictable city limit, with no threat that the land can be developed into residential developments through Sussex County. This would ensure that city's services and infrastructure will not be stressed and overextended without additional tax base to support it.

The farmland will also provide a visual amenity of open green space to city residents along the southeast boundary of the city. There are also environmental benefits such as cleansing precipitation before it recharges the underlying aquifers that feed the city's well fields. The surrounding farm businesses will also be a source of income for the city's businesses, when farm families shop in city. Nearby farms also present the possibility of providing fresh local fruits and vegetables to city residents via roadside produce stands or "u-picks."

Milford Southeast Neighborhood Master Plan

Transfer of Development Rights Program

The Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to develop a Transfer of Development Rights (TDR) program. The Department suggests a program whereby the city selects which farms it wants to permanently preserve, and which properties within the city would be allowed to use the TDR credits to build additional dwelling units.

Although the city would have discretion in choosing which farms to preserve, the Department recommends the farms be enrolled in the DALPF program first in order to be eligible. The DALPF is a voluntary program whereby the landowner initially agrees not to develop the land for 10 years. During that 10-year period, the landowner is eligible to sell his/her development rights to the state and receive money in exchange for permanently preserving the property in agriculture. In this area, the landowner will also have the option to sell Transfer of Development Rights through the program that will be described in this chapter. Landowners will have at least two options for preservation from which to choose.

The DALPF is a well-established program for preserving farmland. It has been in operation for nearly 20 years and has permanently preserved over 100,000 acres in Delaware. This 100,000 acres represents nearly 20% of the state's available farmland and approximately 8% of the state's total land area.

By partnering with DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. DALPF would bear those costs. In addition, the City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). DALPF would assume that responsibility and would add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

How a Transfer of Development Rights (TDR) Program Works:

In order for a TDR program to work, a viable market has to be created through a number of steps, including ordinances.

The first step in the process is for the City of Milford to identify “sending areas” and “receiving areas.” TDR sending areas are defined as the areas, and properties, from which TDR credits will come. The goal is to permanently preserve these areas as farmland and open space through deed restriction/easement. In return for agreeing to permanently preserve a farm, the landowner would be compensated monetarily. The number of dwelling units (DUs) that could have been built on the property would then be “sent,” or “transferred,” to a previously designated receiving area where the City is prepared for development at higher densities. In addition to sending areas, the City would also have to identify “receiving areas” within its municipal boundary. These areas would have to have the available infrastructure to accept higher density. The City would also need strong ordinances in place that would only allow additional density if the developer participated in the city’s TDR program. In addition, the ordinance must make the addition of more DUs (higher density) through the TDR program “by right.”

Milford’s TDR Program

Selecting the Sending Areas

In order to identify suitable sending areas, DDA performed a GIS analysis of properties just outside, or straddling, the city’s future projected growth boundary to the southeast. In order to determine which farm parcels would be most suitable for preservation, the department applied the same qualifying criteria used by the state’s Agricultural Lands Preservation Program. The analysis identified 11 farm parcels encompassing 720 acres. These properties are shown in Table 4.1 and on the Agriculture Map, Map 2. This area is ideal because a number of farms have already been permanently preserved by the Delaware Agricultural Lands Preservation Program. In addition, there are several other farms in the area that are currently enrolled in the DALPF program, waiting to be permanently preserved. The farms in the sending area are currently zoned for two (2) units to the acre under the Sussex County zoning code. Therefore, approximately 1,452 dwelling units could be transferred into the City of Milford and used on properties designated as receiving areas. The proposed sending areas are shown as “Open Space Agriculture” (green color on legend) on the land use map (Map 1).

Selecting the Receiving Areas

Finding eligible farms willing to sell their development rights is only one side of the equation. The City must also identify areas prepared to accept additional dwelling units above the maximum number allowed by the underlying zoning. The additional DUs would only be allowed if the developer participated in the city’s TDR program. Receiving areas have been identified based on a number of enabling factors, including sewer and water availability, road and traffic

considerations, availability of public transportation, existing density in the area, proximity to public services, environmental considerations, and other factors.

After considering and weighing all the factors previously discussed, DDA supports the city using the three (3) areas defined by the hatch-marked areas on the Land Use Map (Map 1). These areas are centered on future public transportation locations, or nodes. These areas are in proximity to future employment centers and commercial services and are not located on environmentally sensitive lands as identified by DNREC. See Table 4.2 for more details.

Some the land in the receiving areas is already within Milford's municipal boundaries. In order for the other lands to participate as receiving areas through this program, they will have to be annexed into the City of Milford. Upon annexation, these lands will be zoned at the base density, currently known as R-1 under Milford's existing zoning ordinance. This ordinance currently allows development at up to approximately 3 du/acre. Property owners/developers would be allowed to develop at that density under the current regulations. However, if the property owner/developer choose to participate in the TDR program, the land could be developed at up to 8 du/acre if there is a transfer of units from the sending area. This transfer would be "by-right," meaning that there is no special approval needed to complete the transfer as long as the parameters and requirements of the program are met. The developer's plan would still have to go through the standard subdivision review process through the Planning Commission and City Council, to ensure it meets city code requirements. The area encompassed by the hatch-marked areas equals approximately 280 acres. Therefore, multiplying that area by five (5) additional units per acre would allow up to 1,400 units to be transferred, potentially preserving 720 acres of farmland in the receiving area.

Table 4.1. TDR Sending Area Analysis

Parcel Number	LESA Score	Acres	Zoning Yield ¹
330-12.00-10.00	185.08	60	120
330-08.00-47.00	220.19	14.7	28
330-12.00-08.00	222.51	117.4	235
330-08.00-28.00	172.61	46.2	92
330-08.00-24.00	189.26	41.29	101
330-12.00-01.03 ²	210.7	118.18	236
330-12.00-01.02 ²	Part of 330-12.00		
330-12.00-01.02 ² (Unit 21805)	Part of 330-12.00		
330-12.00-01.00	181.54	66.8	132
330-08.00-19.00	192.19	85.5	170
330-08.00-19.02	192.19	16.3	32
330-08.00-20.00	232.5	105.6	210
330-07.00-75.00	184.27	48.4	96
Totals		720.37	1,452

Source: Delaware Department of Agriculture

¹ Zoning Yield reflects 2 dwelling units per acre, which is currently allowed in the Sussex County AR-1 Zoning District

² Shaded parcels are currently enrolled in an existing Agricultural District.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas: Located within ¼ Mile of Public Transportation Nodes				
Node	Acres	Base Zoning at 3 DU / Acre	TDR Zoning at 8 DU / Acre	Additional DUs through TDR Use
1	58	174	696	522
2	118	354	1,416	1,062
3	104	312	1,248	936
Totals	280	840	2,240	1,400

Source: Delaware Department of Agriculture, City of Milford, and Office of State Planning Coordination

Purchasing Development Rights Using a TDR Bank Concept

Some traditional TDR programs require the developer to find a suitable farm to preserve and a landowner willing to sell his/her development rights. The developer would have to negotiate a price with the owner and handle all of the legal and administrative requirements to permanently preserve a parcel of land from future development. This process typically requires a lot of time and money from the developer. This is generally not in the developer's best interest if they are trying to take advantage of prevailing real estate market conditions favoring building at higher densities.

DDA will assist the city in the creation and administration of a TDR bank in lieu of the aforementioned process. In a TDR bank concept, the City would begin with either seed money or TDR credits from lands already preserved. Developers would purchase TDR units to allow them to build at higher density from the bank. An administrative fee may also be assessed to account for legal and other costs that may be necessary to complete the transfer. The City (aka “the bank”) would aggregate all the funds it collects from developers who purchase these rights and use that money to purchase the development rights on properties enrolled in the DALPF program and located in the city’s designated sending area. These units would then be available to be re-sold to future developers. The City would choose which farms it wanted to purchase based on predetermined criteria they establish.

In addition to the funds the City would have, the City would also be eligible for state-matching funds from DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the City were able to capture state and federal matching funds, it could significantly leverage funds with additional money and preserve additional farm land.

Setting the Cost of TDR Credits or Units

DALPF recommends that the value/cost of a unit of development rights for transfer be based on the most recent real estate appraisals done on properties near the designated sending areas. If there are insufficient real estate appraisals to determine a value, DALPF could undertake a sample appraisal process to establish a fair value. The value could be established for a given calendar year, or on any other schedule the City deems appropriate. Pricing could be done by land classification if the rights were variable in the city’s system, again based on recent appraisal information. As another option, the City could set values based on the presumed value of the rights, with a deduction for the developer’s profit. Studies have shown that a developer needs to realize a 35 percent profit margin when buying TDR credits in order to have an incentive to buy them.

Summary of Benefits of this Program

- The TDR bank allows developers to purchase rights at pre-set prices. No need to locate willing land owners and negotiate prices.
- Farmers and landowners can sell directly to the TDR bank at pre-set prices, determined through fair appraisal methods. No need to negotiate with developers.

- TDRs can be sold and purchased in appropriate increments based on needs and market conditions at the time. No need to match a farmer/landowner with a developer who needs exactly the number of TDRs they wish to sell.
- Additional density would be allowed “by right,” and the developer will not have to go through a separate public approval process to use the credits.
- As a part of this program, the use of TDRs will entitle the builder/developer to all of the benefits of expedited review and processing that accrue to those who adhere to the recommendations and requirements in the Master Plan area.
- The City and the State will also dedicate a permanent plaque or marker in the development, and the farmland that was preserved, that memorializes and recognizes the developer’s contribution.

Additional Recommendations for Implementation of Agricultural Preservation:

1) DDA recommends that the City require any property developed adjacent to land designated as Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, DDA’s Forest Service reviews the effectiveness of the buffer and makes a recommendation to the county on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the city.

2) In addition to a forested-buffer requirement, DDA also asks that the City work with developers on where they “mass” their houses or buildings. Whenever practical the Department requests that the City require developers to cluster their approved building lots and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

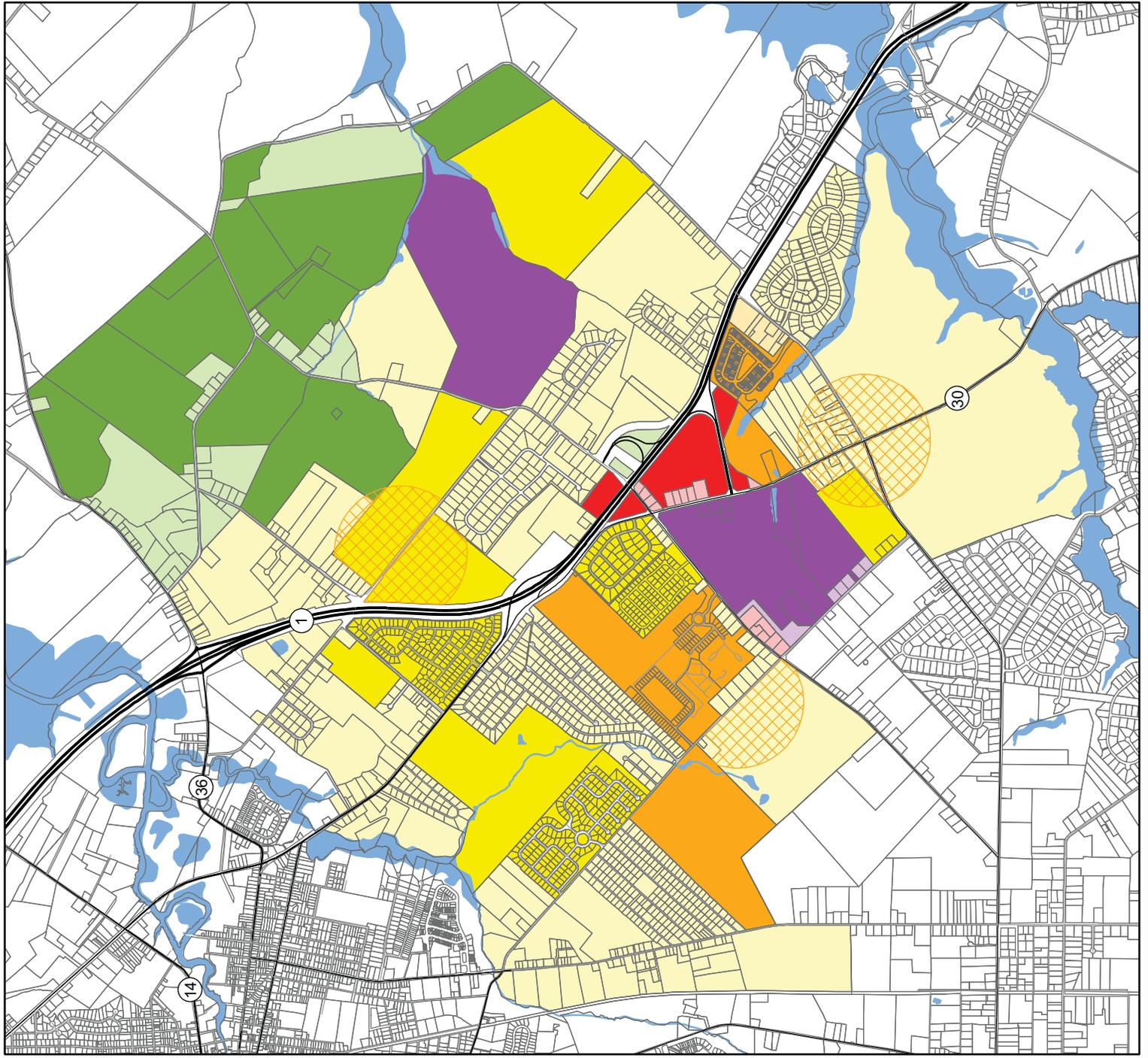
3) DDA asks that the city review its zoning ordinances for compatibility with future agricultural business or agriculture related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agriculture related activities.

4) DDA would note that all properties enrolled in the state’s farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a “mirror” ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city’s planning process in an attempt to place more compatible land uses next to properties engaged in agriculture. In addition, there is a restriction on the location of water wells in DNREC’s regulations that should be considered.

Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

Revised March 2017



Legend

-  TDR Receiving Areas
-  TDR Sending Areas
-  Employment Center
-  Commercial
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Employment
-  Proposed Commercial
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture





Proposed TDR Program

Planning Department

October 8, 2018



History

- ▶ 2011 SE Master Plan
 - ▶ Prepared from 2008 to 2011 with input from the public and State agencies.
 - ▶ The City, State Planning Office, DDA, DNREC and DeIDOT were all signatories to honor the commitments and recommendations of the document.
- ▶ 2018 Comprehensive Plan
 - ▶ Included the SE Master Plan as an appendix to the document.
 - ▶ Goals and objectives related to the TDR program remain.



2018 Comprehensive Plan

▶ Chapter 7 - Economic Development

- ▶ "Goal: Pursue land use, growth and preservation strategies that will ensure that farms, agricultural properties, and agri-business remain an economically viable anchor to the Milford Economy."

▶ Chapter 8 - Natural Resources

- ▶ "Goal: Pursue agricultural preservation of high-value agricultural parcels, consistent with the master plan."
- ▶ "Objective: Develop and implement a Transfer of Development Rights (TDR) program in the Southeast Neighborhood and expand the developed program into the anticipated Northeast Master Plan."

▶ Chapter 9 - Parks, Recreation and Open Space

- ▶ "Goal: Encourage the preservation of areas along all streams, lakes and ponds as recreation uses."
- ▶ "Objective: Develop and implement a TDR program in the Southeast Neighborhood and expand the developed program into the anticipated Northeast Master Plan."

▶ Chapter 10-4a - Future Land Use Categories

- ▶ Open Space - Promote the Transfer of Development Rights (TDR)



Purpose

- ▶ Provide for farmland and natural resource preservation.
- ▶ Promotes transit oriented, pedestrian friendly development.
- ▶ Promotes higher density development near support infrastructure.
- ▶ Discourages urban sprawl into rural areas.

Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

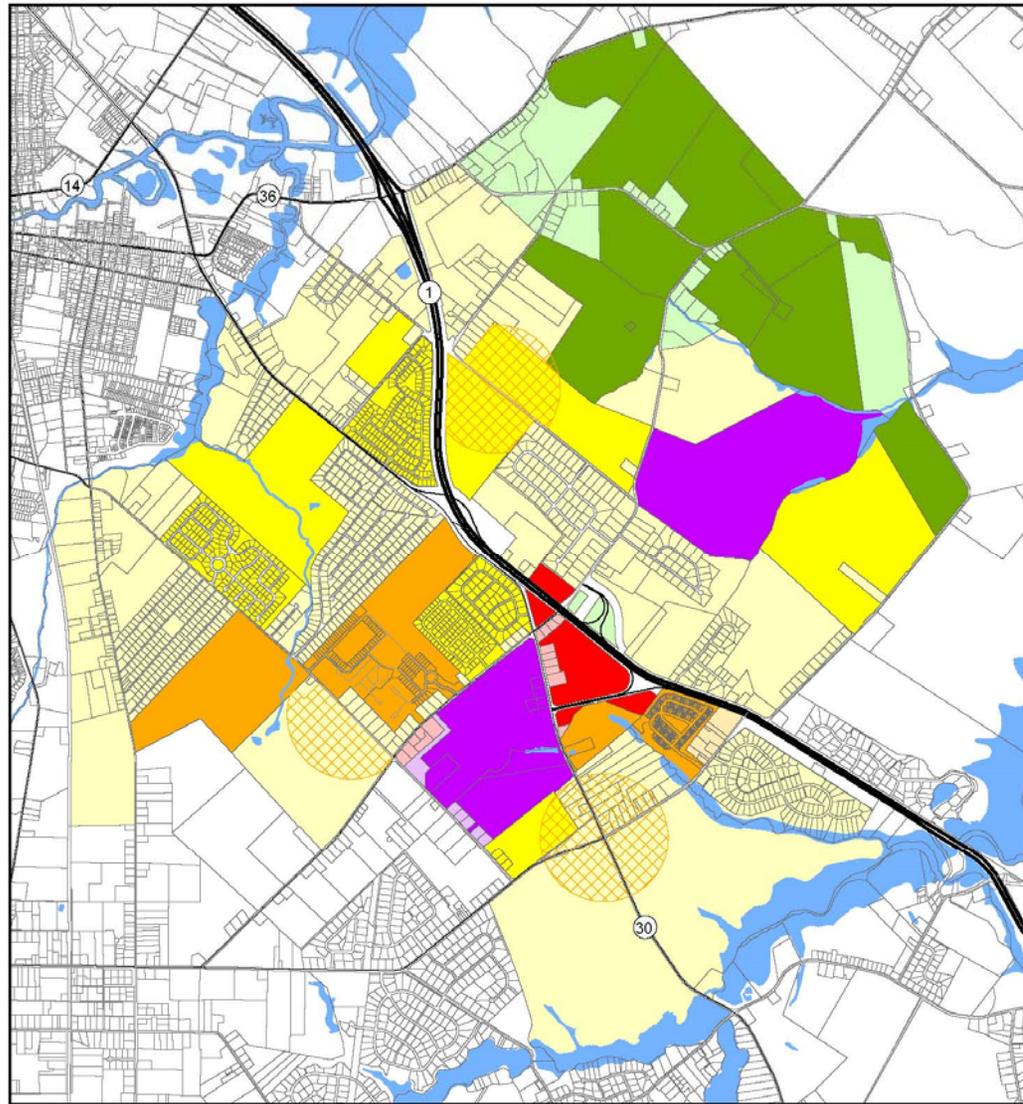
Revised March 2017

Legend

- TDR Receiving Areas
- TDR Sending Areas
- Employment Center
- Commercial
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture



0 0.25 0.5 1 Miles





TDR Program - Sending Areas & Receiving Areas

- ▶ TDR Receiving Areas
 - ▶ In these areas the City will allow residential development of up to 3 du/acre "by-right." In addition to this, developers will be given the opportunity to purchase TDR credits up to 8 du/acre.
 - ▶ The majority of the undeveloped land in the SE Neighborhood is designated as Low Density Residential in the Future Land Use maps. The City anticipates a demand for higher density housing around the Health Campus which will help the program succeed.
- ▶ Sending Areas
 - ▶ Areas identified for potential preservation.
 - ▶ Development credits are calculated on the net developable land within Sussex County's AR-1 zoning designation. AR-1 yields 2 du/acre.



TDR Bank

- ▶ The City of Milford would sell development credits to developers within Receiving Areas based on an established \$/unit.
- ▶ A value per unit would be established on a routine basis for land within the Sending Areas to ensure the TDR Bank is properly funded.
- ▶ The City would work with the DDA to identify properties for preservation and the DDA would purchase development rights from the property owners with funds from the TDR Bank.
- ▶ Developers would not deal directly with farm owners.
- ▶ The City would hold the funds in a dedicated account until such time as easements were purchased.



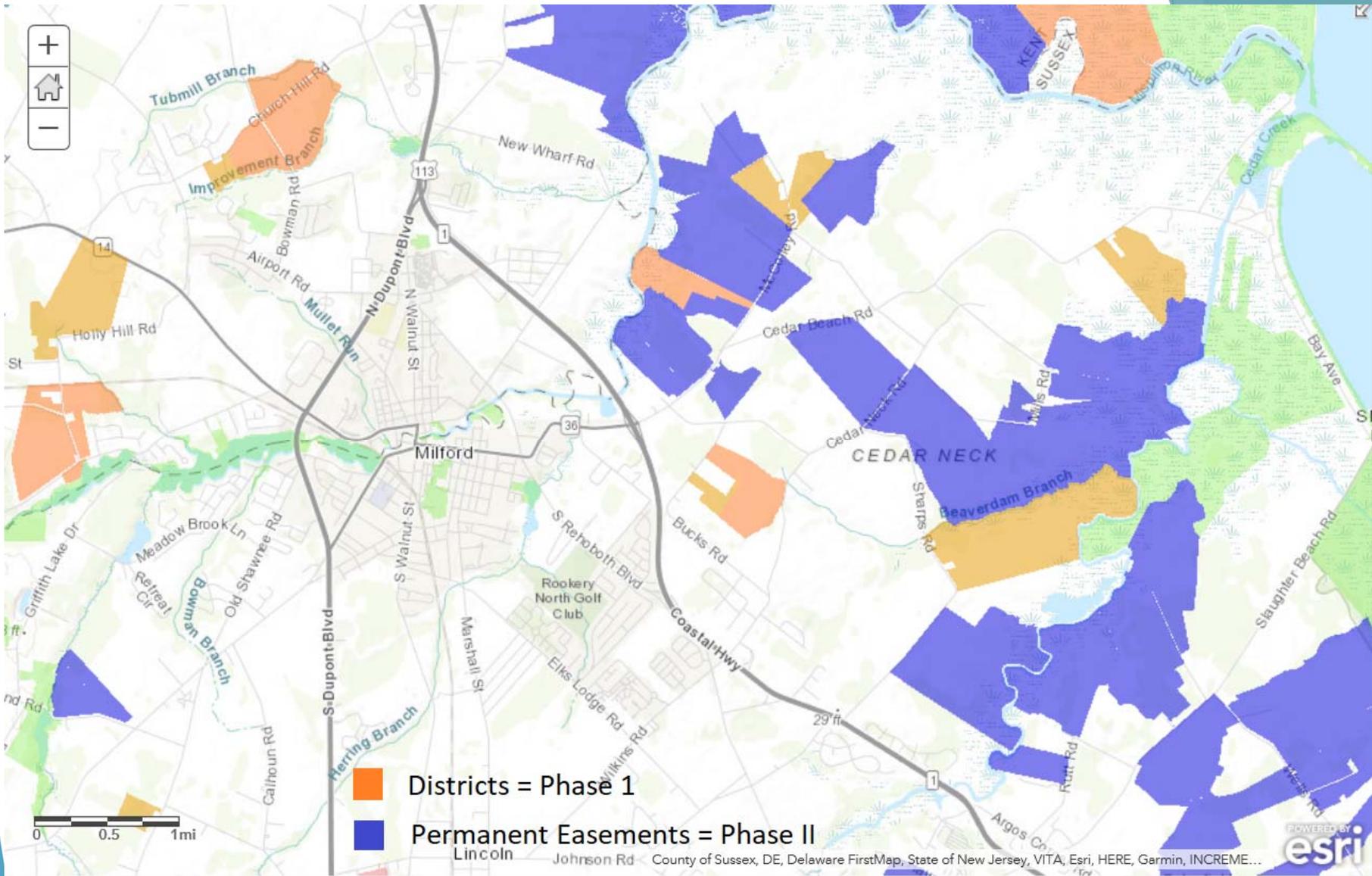
Delaware Department of Agriculture - Agricultural Lands Preservation Program

- ▶ Established in 1991 (3 Del Code, Chapter 9)
- ▶ First Funded in 1995
- ▶ Governed by Agricultural Lands Preservation Board (members appointed by the Governor)
- ▶ Voluntary “Two-Phase” Program
- ▶ Approx. 47,000 acres in District Agreements (Phase 1)
- ▶ Approx. 898 easements totaling 125,000 acres permanently preserved (Phase II)
- ▶ This constitutes approx. 25% of Delaware’s available farmland



The Two Phases of the Farmland Preservation Program

- ▶ **Phase 1 (District/Expansion)** - is a 10-year district agreement (temporary easement) - no landowner payment
- ▶ If land is still in the agreement after 10 years, the owner can either withdraw from the program or renew for 5 additional years
- ▶ **Phase II (Permanent Easement)** - landowners sells the right to develop the property to the State of Delaware and a permanent preservation easement becomes part of the property deed of record
- ▶ A farm **MUST** be in Phase I of the program to be eligible for Phase II of the program
- ▶ While in either phase of the program the land is restricted to farming and related uses. The state does not own the property, and it can be sold; however the new owner must also comply with the restrictions.



■ Districts = Phase 1
■ Permanent Easements = Phase II





Potential City of Milford and DDA Farm Preservation Partnership

- ▶ The City could use the money they collect from developers to permanently preserve any of the farms currently enrolled in the Aglands Preservation District Program (District). The farm would preferably be located within the City's designated TDR sending area(s).
- ▶ If the City selects a "District" farm, it will potentially benefit from a discounted price due to a landowner discount. In addition, the DDA may be able to offer state and/or federal matching funds to further reduce the city's cost to preserve the farm.
- ▶ If the City decides to preserve a farm not currently enrolled in the farmland preservation program, the city would have to negotiate a price with the landowner, and matching funds might not be available.



Partnership Discussion Continued

- ▶ If the City selects a farm not enrolled in the Farmland Preservation Program, the farm **MUST** qualify for the Farmland Preservation District Program, and enroll as a District (Phase 1) prior to becoming a permanently preserved farm (Phase II).
- ▶ There is no “risk” to the landowner for enrolling in the District program, because if for some unforeseen reason the farm cannot be permanently preserved, the district agreement will become void.



Benefits of Partnering with DDA

- ▶ DDA will offer assistance the City in valuing TDR credits, to include making available DDA's experienced licensed/certified real estate appraiser.
- ▶ DDA will provide pool of potential farms for the City to consider for permanent preservation (i.e. farms currently enrolled in the District Program).
- ▶ DDA will pay for all closing costs associated with preserving the farm (i.e. land survey, attorney's fees, appraisal fees, etc.).
- ▶ DDA may be able to provide substantial matching funds in some instances.
- ▶ DDA will hold or co-hold (with Milford) the permanent preservation easement. DDA will monitor the property for compliance with the easement terms, and has the resources to uphold the easement (i.e. legally in a court of law).



Next Steps

- ▶ Develop amendments to Chapter 200 Subdivision of Land and Chapter 230 Zoning to implement the TDR program.
- ▶ Perform initial land appraisals to establish a value per unit in the TDR Bank.
- ▶ Anticipate code amendments for public hearings by the end of the calendar year.



Questions?



MILFORD CITY COUNCIL
MINUTES OF MEETING
September 10, 2018

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 10, 2018.

PRESIDING: Chair Katrina Wilson

IN ATTENDANCE: Committee Members:
Councilmembers Mike Boyle and Lisa Peel Ingram

Mayor Arthur Campbell

Councilmembers Christopher Mergner, Todd Culotta, Owen Brooks Jr.,
Douglas Morrow, James Starling Sr. and Katrina Wilson

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

Chairperson Wilson called the Committee Meeting to order at 6:16 p.m.

Recommendation/Funding Authorization/Police Department HVAC

Chairperson Wilson announced there are no recommendations to be presented this evening.

She advised that the air conditioner at the department is not working properly and the contractor who normally repairs it, reported that the system is basically obsolete. As a result of the associated costs, quotes are being obtained and upon receipt, another Police Committee meeting will be scheduled to review them.

Chief Brown explained that Eisenbrey and Son LLC have been working on the air conditioner. They recommended an engineer review the system to determine what is needed for the building, considering its complexity.

Once that is determined, the project can be put out to bid.

The Chief further explained that this does not only involve replacing the unit, but the entire system, including the duct work. He also noted that the system has been inefficient since the police department was built and never adequately cooled the entire building. He has been trying to make some minor changes in anticipation of the new building and not wanting to spend the money. Last year, there was about eight days when it was 58 degrees in the building, when the heat was not working during the winter.

This summer, it has been in the high 80's in his office and he felt something needed to be done.

Chairperson Wilson understands what is needed in the future, but feels there is a need to fix or replace it in the best possible manner.

In addition, Chief Brown reported that during the recent rain, besides the usual leaks that occur, there were two new leaks, one of which was in the officer's room and leaked into their computers.

There was also substantial flooding in the basement again and the women's locker room had two inches of water this morning. The City Manager reminded Chief Brown to take photos of problem areas.

It was confirmed the City Engineer is a civil engineer and not a mechanical engineer. City Manager Norenberg explained that is why an engineering assessment was needed of the HVAC system at public works recently. They were experiencing similar issues, including an inadequate original design which created uneven heating and cooling problems.

Chairperson Wilson asked what type of inspection is done when a major system is installed in a new building; Mr.

Norenberg stated that plumbing and HVAC is subject to the State of Delaware Building Codes. There is an inspection at the State level though the City should have had their own building official review it. However, that was back in the 70's and he is unsure what the protocol was at that time.

Chairperson Wilson understands that, but questioned the concerns of the inefficient system particularly at the public works facility which is a much more modern building than the police department.

City Manager Norenberg stated that from a procedural standpoint, quotes will need to be obtained, once the consultant makes an assessment of what is needed. City Council would then award the purchase if it were \$50,000 or more. Anything less, he could sign the agreement and get the work started though Council is required to approve the funding because it is not in the budget.

When asked if Chief Brown has started the process of obtaining quotes, he said they only received one. He was waiting on one from Mr. Eisenbrey though his preference is to have the engineering review completed first.

Mayor Campbell recommends the engineer affiliated with the public works' HVAC project evaluate the police department's system as well. In the meantime, Council can ask Public Works Director Mark Whitfield the cost of their assessment, which he expects to be similar.

Councilman Boyle asked for an anticipated timeline, noting that within the next couple of months, the temperatures are going to begin to drop. Chief Brown agreed but added that nothing can be operating by that point and that this is only to prepare for winter. The system they are recommending is both an air conditioning and heater, which would no longer require the boiler to be used for heat. However, it will still be needed to heat their water.

Chief Brown recalled that he put two air curtains in the budget. They are presently in the process of getting those installed, which he hopes will alleviate this situation.

Councilman Boyle asked if the boiler is sufficient; Chief Brown said it is for the most part, with the exception of days when the temperatures are either extremely hot or cold. Then the system is unable to keep up with it. Councilman Boyle pointed out it appears there is a serious problem with the distribution system and recommends something be done as quickly as possible.

Councilmember Peel asked if this item would be included in the capital plan or if each individual department is responsible for the anticipated maintenance or deferred maintenance for each building. She is aware we are creating a depreciation schedule for vehicles and equipment and asked if something similar should be done for these situations.

Mr. Norenberg explained the City is trying to build a capital improvement plan to take into account any anticipated replacement items and upgrades. He is unsure if this had been flagged in the past, but Chief Brown's plan was to hold off until the new building was constructed and operational.

Chief Brown noted the large amount of maintenance performed on this system over the years adding that this is nothing new.

According to Councilmember Peel, deferred maintenance schedules would allow all of those big ticket items, such as an HVAC system, to be reviewed each year. In that manner, it could be determined, based on the age of the system or the age of the building in this situation, the point when work would be needed.

Councilmember Boyle feels that if we postpone this in anticipation of the new building, the problem is only going to get worse each year and eventually the system will completely fail. He also feels the roof problem needs to be addressed and asked if the plan is to get some quotes to patch the roof in the meantime.

Chief Brown said he will have to do that because he does not know what is causing the new leaks.

When asked if the roof is flat, Chief Brown said there is flat roof but in another area separate from the majority of the leaks. He said they are mainly in the high-pitched areas around the chimney and it really becomes a problem during a Nor'easter.

The City Manager added that the consultant overseeing the public works HVAC project is Gipe and Associates and their proposal for the public works facility was \$25,000. He is sure they are able to assist in developing a set of specifications for the police department.

It was confirmed that the police department was built in a flood zone.

When asked, Chairperson Wilson suggested the Police Committee agree to have the City Manager contact the engineer and proceed with the scope of the work. Mr. Norenberg said he believes a proposal can be prepared fairly quickly. He asked that the Committee recommend appropriating additional funds from the General Fund Reserves to cover the cost of the designing phase in order to get that work underway.

Councilman Boyle feels this is a health and safety issue for the Police Department employees and reiterated the need to move quickly.

Commendation Ceremony

In unrelated business, Chief Brown reported that a resident wants to recognize the officers who saved his life following a massive heart attack. Chief will also be commending those officers on September 20, 2018 at the police department. He informed Council that he invited all three television stations and local newspapers.

A public notice will be posted as a result of City Council members being invited.

When asked the status of the agenda item, it was agreed to hold off with an official vote until the next police committee meeting.

Mayor Campbell reported that he spoke with City Finance Director Jeff Portmann who confirmed that money is available in the general fund reserves. City Manager Norenberg agreed and explained that Council would still need to authorize the appropriation of funds for the engineering evaluation because it is not currently in the budget. Mr. Norenberg suggests a not-to-exceed amount of \$50,000 or less, which would allow him to approve the proposal.

The Chairperson asked that the proposals come back to the Committee so that they can be reviewed and a recommendation made to City Council.

Chairwoman Wilson directed the City Manager, as agreed by Chief Brown, to move forward and contact and schedule the engineering firm. At the same time, Chief Brown will continue to obtain quotes for the new system.

Chief Brown said he is unable to get quotes until the engineer has completed the review.

Mayor Campbell expressed concern about the length of time before this can be approved and the new system is installed. Chief Brown said it was cold last winter too.

There being no further agenda items, Councilmember Peel moved to adjourn the Police Committee meeting, seconded by Councilmember Boyle. Motion carried.

The Police Committee meeting adjourned at 6:46 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 10, 2018

A Swearing In Ceremony for the newly elected Second Ward Councilmember was held Monday, September 10, 2018 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: City Solicitor David Rutt

RECEIPT OF CERTIFICATION BY ELECTION BOARD OF COUNCIL MEMBERS

The following letter was submitted by the Board of Special Election:

August 23, 2018

*Mayor and City Council
City of Milford
Milford, DE 19963*

Honorable Mayor and Members of City Council:

As members of the City of Milford Board of Special Election and in accordance with 15 Del. C. §7558(d), we hereby certify the results of the August 23, 2018 Special Council Election, to be as follows:

In the 2nd Ward Race, a total of 169 persons voted, with F. Todd Culotta receiving 92 votes and Andrew P Fulton receiving 77 votes. Based on the certification of the City of Milford Board of Elections, F. Todd Culotta is hereby officially declared elected as the 2nd Ward Council Representative, to fill the remaining eight-month term, beginning this date September 10, 2018 and ending May 6, 2019.

Karen F. Boone

Joanne Leuthauser

Katrina L. White

SWEARING IN OF MAYOR AND CITY COUNCIL:

The Honorable Noel Eason Primos of the Superior Court of Delaware administered the Oath of Office to Councilman Culotta.

After the swearing in procedure concluded, the Councilman signed his Oath of Office after which he took his place at the Council dais.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 10, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 10, 2018.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:06 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes of the August 13, 2018 and August 27, 2018 Council and Committee Meetings. Councilmember Boyle moved for approval, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Mayor Campbell read the following proclamation into record:

Proclamation 2018-14
NATIONAL SUICIDE PREVENTION AWARENESS MONTH

- WHEREAS, September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and
- WHEREAS, Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and
- WHEREAS, According to the Center for Disease Control, each year more than 41,000 people die by suicide; and
- WHEREAS, Suicide is the tenth leading cause of death among adults in the US, and the second leading cause of death among people aged 10 to 24; and
- WHEREAS, The City of Milford is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and
- WHEREAS, Organizations like the National Suicide Prevention Lifeline and the American Foundation for the Prevention of Suicide are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and
- WHEREAS, Every member of our community should understand that throughout life's struggles, we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, I encourage all residents to take the time to inquire as to the well being of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

Now, Therefore, Be It Resolved, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of September 2018, as National Suicide Prevention Awareness Month in the City of Milford.

MONTHLY POLICE REPORT

Police Chief Brown noted that the number of arrests are at the levels he expects them to be for the month.

A motion was made by Councilmember Morrow, seconded by Councilmember Brooks to accept the Monthly Police Report as submitted. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report that includes updates from the various departments.

Noted was the increase in residential construction permits to 37 and the various events involving our Parks and Recreation Department.

In preparation of Hurricane Florence, the Public Works Crews were checking catch basins for stormwater purposes and clearing tree lines to less the risk of power outages. That will continue as we prepare for increased winds and rains.

He provided the latest forecast, which is subject to daily changes.

A staff meeting will be held Wednesday to review its status at that time.

The City Manager also confirmed that Mr. Dennehy continues work with the contractor on the Riverwalk Replacement Project and is pleased with the progress.

Councilwoman Wilson moved to accept the City Manager's report, seconded by Councilwoman Peel. Motion carried.

MONTHLY FINANCE REPORT

Finance and Public Works Committee Chairman Morrow reported that through the first month of the fiscal year with 8% of the fiscal year having passed, 8% of revenues have been received and 7% of the operating budget expended.

Councilmember Morrow moved to accept the July 2018 Finance Report, seconded by Councilmember Starling. Motion carried.

COMMITTEE & WARD REPORTS

None to report.

COMMUNICATIONS AND CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Adoption/Ordinance 2018-21/Chapter 55/Personnel Code/Sick Leave

City Manager Norenberg advised that the new HR Administrator discovered that the Sick Leave section previously adopted, did not allow employees to use sick leave for a medical appointment or a family member's appointments.

HR Administrator Jamesha Eaddy was in attendance.

Councilmember Morrow asked if a physician statement is required; Mr. Norenberg stated only after three days of absence.

Councilmember Wilson confirmed this is a separate issue from FMLA and only applies to time off for a doctor appointment.

Mayor Campbell asked if anyone in the audience wished to comment on the proposed amendment. No one responded.

Councilmember Morrow moved to adopt Ordinance 2018-21, as amended, seconded by Councilmember Peel:

ORDINANCE 2018-21
CODE OF THE CITY OF MILFORD PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55 PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel practices for all City of Milford employees; and

WHEREAS, the City Council for the City of Milford desires to update Chapter 55 to comply with current personnel practices as set forth herein; and

WHEREAS, the Sick Leave provision does not include time off for medical appointments. NOW, THEREFORE,

THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 7, Employee Benefits, Subsection 7.2, Sick Leave, of Chapter 55, Personnel, is hereby amended in the following respect:

Section 2. Section 7.2, Sick Leave, is hereby amended to read as indicated (new language will be bold and underlined):

7.2 SICK LEAVE

Regular, full-time employees (including introductory employees) will be provided with paid sick leave benefits for periods of temporary absence due to illness or injuries. Sick leave benefits will accrue at the rate of eight (8) hours per month and can accumulate up to a maximum of 1,040 hours.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member. **An eligible employee may also use sick leave benefits for a personal or family member medical appointment.** For this section, family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren or siblings.

Section 3. Dates.

Introduction: August 27, 2018

Adoption (Proposed): September 10, 2018

Effective (Proposed): September 20, 2018

Motion carried.

Authorization/Kent Economic Partnership/Agreement

Postponed for future action.

Bid Award/Police Department/2018 Police Vehicles

Chief Brown presented the bid for two Chevrolet Tahoes at a cost of \$34,585, adding that this was included in his FY18-19 budget.

Councilman Morrow moved to authorize the bid award for the two police vehicles, seconded by Councilman Starling. Motion carried.

Appropriation/Funding/Cost of Service Study/Water, Wastewater and Solid Waste

Mr. Whitfield recalled Council requesting whether or not the Cost of Service Study was a fair price and whether or not the project could be done in house. He stated that it could be done in house. However, the advantage of using an outside firm is to have their expert opinion should the fee need to be defended in terms of challenging the rate.

The Public Works Department has obtained a proposal from Utility Financial Solutions, Inc of Holland, Michigan to complete a Cost of Services and Rate Design Study for Water, Wastewater, and Solid Waste. Staff recommends Council consider the study to determine if the rate structure is fair to all users, determine if rates meet both operating as well as future capital needs, determine if adequate reserves are being held in each account to adequately meet future infrastructure improvements and determine if rates meeting the needs of associated debt repayment.

Though not included in the original proposal, UFS did agree to review the impact fees for a lower cost and approximately half of what they would normally charge at a fee of \$2,500.

Another issue is the low flat rate and again there is a question as to whether that covers fixed costs. The variable cost applies to the amount used and the impact on the system, over and above a certain amount.

Mr. Whitfield stated there are substantial reserves in both water and sewer which provides the opportunity to review rates and whether residential and commercial rates are in balance.

He asked is asking Councils' authorization to approve the funding because it was not included in the 2019 budget. He recommends appropriating \$12,500 out of Sewer Reserves, \$12,500 out of Water Reserves and \$9,000 out of the Solid Waste Operating Budget for the study.

The City Manager stated that in addition to UFS's expertise in this field, the study would be completed in a much shorter period versus having our employees work on it in bits and pieces, or as time permitted.

Mr. Whitfield emphasized that because Solid Waste has no reserves, there is a need to build that fund within that department to assist in the costs of future equipment and vehicles. There is a rough timeline of three months, though the goal is to have everything in place by the beginning of the budget season in 2019.

Councilman Boyle asked if this will examine the cost to the City when a new unit is built, including water, sewer, electric, police, fire, administrative costs, etc. Mr. Whitfield said those items will be considered. He said we are often questioned about the fees charged by the City and he would prefer having a clear breakdown to provide.

Councilman Morrow agreed with Councilman Boyle that an outside source is beneficial to validate those fees. Councilmember Peel also agreed that in the case of electric rates, it was determined the rate could be lowered. In that manner, we could defer that cost and pass it along to rate payers instead.

Mr. Whitfield explained there is a need to begin a depreciation process in terms of equipment replacement as he discussed during the budget hearings.

Councilman Mergner recommended reaching out to local municipalities and counties to determine if they had a similar study done. There is the chance to learn more from their experiences. He believes that talking with them and networking may provide some insight versus simply writing a big check for another study.

The Public Works Director pointed out that UFS has a great deal of experience with regard to all utilities, though their expertise is in electric. He is willing to provide Council with a list of their clients and he will also follow up with references.

Mr. Norenberg recalled that at last year's DEMEC Annual Dinner, the speaker talked about the value of these type of studies.

The consensus of Council was for staff to reach out to other municipalities to gather some additional information.

Councilmember Wilson moved that the Cost of Service Study for Water, Wastewater and Solid Waste be postponed until the September 24th meeting.

NEW BUSINESS

Adoption/Resolution 2018-16/Annexation Committee Investigation/Simpson Land

Planning Director Pierce asked for authorization to send the following annexation request at 5919 South Rehoboth Boulevard to the Committee for further review.

Councilmember Wilson moved to adopt Resolution 2018-16, seconded by Councilmember Morrow:

*Annexation/Lands belonging to Gilbert C. & Irene D. Simpson
Tax Map 3-30-11.00-43.00
1.940 +/- Acres
Current Zone AR-1/Proposed Zone R-2*

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northeasterly right-of-way line of said Business Route 1 with the northwesterly line of the lands of, now or formerly, Jesse C. Webb, Sr. and Joyce L. Webb, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3349, Page 256; said beginning point being coordinated on the Delaware State Grid as North 330,144.801 feet, East 657,801.748; thence,

1) leaving said Webb lands and running by and with said Business Route 1, North 32 degrees 55 minutes 23 seconds West 211.06 feet to a point on the southeasterly line of the lands of, now or formerly, Janet R. Swain, as recorded in said Office of the Recorder of Deeds in Deed Book 2635, Page 47, thence,

2) leaving said Business Route 1 and running by and with said Swain lands, North 58 degrees 33 minutes 27 seconds East 400.53 feet to a point on the southwesterly line of other lands of, now or formerly, Janet R. Swain, identified as Tax Parcel 3-30-11.00-264.00, thence,

3) leaving said Swain lands and running by and with said other Swain lands, South 32 degrees 56 minutes 20 seconds East 211.09 feet to a point on said northwesterly line of Webb lands, thence,

4) leaving said other Swain lands and running by and with said Webb lands, South 58 degrees 33 minutes 43 seconds West 400.59 feet to the point and place of beginning;

CONTAINING 1.940 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

s/City Clerk

Adopted: September 10, 2018

Motion carried.

Funding Authorization/Demolition Expenses/415 South Washington Street

Mr. Pierce reported the Planning Department is requesting an appropriation of \$17,955 from General Fund Reserves to the Enforcement and Inspections Department Demolition budget item (101-1045-429.68-10) to cover expenses associated with the demolition of 415 S. Washington Street.

Three written quotes were obtained from contractors with Jimmy Smalls Landscaping, LLC being the lowest bidder.

The City notified the property owner on April 4, 2018 that the single family-detached dwelling was condemned and provided the owner with four options:

- (1) arrange the demolition privately
- (2) repair the building to code and postpone demolition
- (3) appeal the determination
- (4) take no action and the City will demolish the structure

The owner has elected to have the City of Milford demolish the structure and place a lien on the property for the expenses associated with the removal of the structure. The owner of the property intends to sign a payment arrangement agreement with the Finance Department.

A Order to Demolish was sent in April though the owner chose not to take any action, including signing a restoration agreement. As a result, they are in agreement with moving forward and having the City demolish the building.

Solicitor Rutt emphasized that the City will get their money back by either by the owner repaying it, or through the monition sale reimbursement process.

Councilmember Wilson moved to appropriate \$17,955 from General Fund Reserves to the Enforcement and Inspection Department Demolition line item, seconded by Councilmember Morrow. Motion carried.

Bid Award/Purchase/Front End Loader

Public Works Director Whitfield discussed the following request:

Public Works Department requests City Council consider a recommendation to purchase a wheeled 4WD loader to replace a 2002 Caterpillar backhoe/loader. Because the Department has a 2011 John Deere Backhoe (Street Division), the loader

will fulfill a need within the Department for a wheeled loader. The loader will have multiple uses within the department, including loader material (stone, snow, salt, brush, etc), snow removal, material handling, as well as numerous other uses.

The Street and Utility Division staff have evaluated the proposed unit, as well as demonstrated the unit, and staff recommends a John Deere 524K-II 4WD Loader with a 2.75CY bucket be purchased. Staff also recommends a set of Construction Forks as well as a JRB Grappler Bucket be purchased as attachments with the unit. The construction forks can be used for loading and unloading skid pallets, as well as various other material handling. The Grappler Bucket can be used for collecting large piles of brush, bulk items, and other materials. The unit is available for purchase through the NJPA Cooperative Contract 032515-JDC (and Delaware State Contract) at a price of \$158,208.79, including the attachments.

The vendor also included a trade-in price (trading the 2002 Caterpillar backhoe) of \$28,000, which would bring the final purchase price to \$130,208.79. However, staff solicited bids for the sale of the backhoe, and was able to sell the backhoe via www.govdeals.com for a price of \$31,500. The City's past practice has been to deposit money from the sale of equipment into the General Fund, regardless of the original funding source for the equipment. In this case, the original funding source was the Water and Sewer Funds.

The budgeted amount for the loader was \$150,000. Sufficient funds are available if the equipment was to be traded. However, a high yield was realized by selling the equipment outright. Therefore staff recommends that \$8,208.79 from the sale of the equipment be used to offset the overall cost of the loader.

Councilmember Peel moved to award the purchase of a John Deere 524-II 4WD Loader, with 2.75 CY bucket, construction forks, and grapple bucket to Jesco, Inc of South Plainfield, NJ through NJPA Cooperative Contract 032515-JDC in the amount of \$158,208.79, with funds from the Water and Sewer Capital Funds in the amount of \$150,000 and proceeds of the sale of the Caterpillar backhoe in the amount of \$8,208.79. Motion seconded by Councilmember Wilson. Motion carried with no one opposed.

Bid Award/Sidewalk Repair Project

Mr. Whitfield reported that to secure pricing for the replacement of deficient sidewalk as identified in the sidewalk inspections completed to date, the Public Works Department publicly bid the work. Bids were received on August 22, 2018. Although three potential bidders purchased the bid package and attended the pre-bid meeting, only one bid was received from Shea Concrete LTD. Unit pricing on 4" sidewalk was \$16.00 per SF, which is approximately double what was anticipated.

Based on feedback from the other plan-holders, the unknown quantities prevented them from bidding. Thus, the Public Works Department recommends City Council reject all bids received and proceed with issuing the letters to the property owners with deficient sidewalks requiring replacement. After ninety days from the issuance of the letters, the City will be able to determine the amount of sidewalk to be replaced and include this quantity in the bid package to be resolicited in the winter.

Staff recommends City Council reject all bids for Contract No 2018-St-002 and authorize staff to rebid the project in the winter once quantities are known.

Mr. Whitfield reviewed the repairs that will be the responsibility of the City, including City trees, sewer caps, sewer manhole and water box.

Councilman Boyle asked if the owners of those properties will no longer be required to replace their sidewalks if the City does not have an option to offer to participate in the City's program until further information is received. Mr. Whitfield explained that he has informed residents at the meeting in which the program was discussed, the City would solicit bids to provide the homeowners. He was anticipating a price of \$200-\$225 a block, and it came in at \$400. The letter will explained that if the sidewalk is not replaced, the City will solicit bids in the spring though that price could be even higher.

He confirmed that property owners who are responsible for the repairs will be offered a five-year monthly repayment plan through the City. For example, one sidewalk, anticipated to cost \$200 per block, would be assessed approximately \$3 a

month over the next sixty months.

Councilman Morrow suggested informing the homeowner the City would make all repairs. In that manner, we would have a specific number of blocks to provide as part of the bid package.

Councilman Mergner agreed adding that he thought the contractor was being secured to perform all of the work.

It was confirmed this is dependent on the sidewalks the City is responsible for. Councilman Culotta then asked if the problem is that of 100 properties, 50 of them may choose to handle themselves and 50 may have the City oversee. He recommends providing a rough idea and possibly asking each property's preference. Councilmember Peel asked if they would prefer a guarantee minimum.

Mr. Whitfield referenced the ordinance that states the homeowner is responsible for repairing their sidewalk first. Therefore, the City should not replace the sidewalk unless the repairs are not accomplished.

Councilman Boyle understands that the contractor is unable to make an informed decision because they do not have an exact number. He asked what can be to provide at least some range, so that they at least have some idea.

Councilmember Peel is comfortable rejecting the bid, but also suggests that as much information be included in the letter,

Concern was expressed about the short window of ninety days and the impact on contractors, in addition to people having a sufficient amount of time to get the money together. Councilman Mergner asked if that can be extended.

Councilmember Peel recalled that is the reason Public Works originally held up the project because Council was concerned homeowners would be shocked to learn that first, sidewalk repairs are their responsibility and second, not to have an opportunity to give input and instead have a question and answer session, as was done.

City Manager Norenberg pointed out that with winter weather approaching, there will be additional time to prepare for the project. By February or March, hopefully some of the sidewalks will be repaired.

Councilmember Peel then expressed a concern about a property owner getting an estimate but they will have nothing to compare it to and in particular, should the City be able to do it cheaper. Mr. Whitfield agreed emphasizing that based on the current bid, the City's cost will be much more expense.

When asked how long it would take to rebid the project based on specific numbers, Mr. Whitfield explained that it can be rebid but to aware the bid would be into October which is beyond the construction period.

When asked about the DelDOT project, Mr. Whitfield explained that any properties on Southeast Second Street were not considered at this time.

Mayor Campbell asked if interest would be assessed; Mr. Whitfield said it was required by ordinance. Mayor Campbell is concerned about the fact the City will be charging the property owners and then adding interest on top of the payments they will be responsible for.

Councilmember Peel moved to reject the bid received for Contract 2018-St-002, seconded by Councilmember Mergner. Motion carried.

Councilmember Peel moved to return the Sidewalk Repair Project to the Public Works and Finance Committee for additional consideration, seconded by Councilmember Wilson. Motion carried.

City Manager Norenberg recommended Councilmembers attend the Committee meeting.

Councilman Brooks recommends changing some of the sidewalk requirements because he is concerned that a citizen is required to repair a one inch drop and feels that is nitpicking.

It was recommended that it be discussed at the Committee level.

When asked the recourse if a homeowner disagrees with the requirement, Councilmember Wilson noted that they have already heard from residents and that is the reason for the continued conversation.

Councilmember Brooks said he has people in his district that have gotten letters and someone ten years old than him that only gets a social security check and no retirement benefits, and lives by herself, and has a daughter in the hospital sick. She got very upset and had to see a doctor from the letter. He said there is no way she can pay anything and even \$3 a month when kerosene is going up to \$3 plus a month. Councilman Brooks himself uses \$1,000 worth of oil in one month this past year. This lady doesn't have any money.

Councilmember Brooks said he has other people living in a big house and are only using one room to live in. They don't have the money either and most of the time they don't go outside and they are being told by the City they have to fix their sidewalk or else.

Councilmember Culotta asked if there is some type of program that can be used that says if someone makes less than x dollars a year, they would qualify for public money.

Councilmember Morrow reiterated that these are things that can be discussed at the committee meeting.

Solicitor Rutt directed Council to review Chapter 197 of the Code that talks about sidewalk replacement that was adopted in 2007. It provides the criteria and provisions that if someone qualifies for low income, they can provide for relief of City grants. Therefore, there are some recourses based on the ordinance.

Councilmember Brooks reported that all the homes on Southeast Front Street got new sidewalks and the State of Delaware paid for all of it. He then asked if Southeast Second Street will be paid for; when riding through town, he pointed out that 25-30% of the streets have sidewalks on one side and nothing on the other side. He asked if we are picking on the people with sidewalks and they don't want sidewalks.

He said a lot of developments have no sidewalks and the developer wanted to make it look country like because they are not in town, like Hearthstone.

Council was directed to bring their suggestions to the committee meeting. Councilman Brooks recommends grinding down the sidewalk where there is one-inch difference.

Funding Authorization/Police Department/HVAC

Nothing to report.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:14 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 8:19 p.m.

MPD Teamsters Negotiations

Mayor Campbell reported that no action was needed.

ADJOURNMENT

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

The Council Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 24, 2018

The City Council of the City of Milford met in Workshop Session on Monday, September 24, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:34 p.m.

PRESIDING: Mayor Archie Campbell

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

City Planning Director/Acting City Manager Rob Pierce, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Quarterly Update/Downtown Milford, Inc.

Board President Sara Pletcher and Executive Director Murrie Zlotziver were both in attendance.

Mr. Zlotziver discussed the Lady Bug Music Festival held in downtown Milford this past Saturday, September 22nd. He announced that over forty female musicians participated in sixteen venues. Of those venues, fourteen were in actual stores. There was an estimated 2,500 to 3,000 people that attended. With great weather and a big crowd, the event was a huge success for Milford's businesses, residents and sponsors.

He reported that \$25,000 was raised through sponsorships, in addition, to a \$5,000 grant received from Delaware Division of the Arts. More than \$17,500 of in-kind services also supported the festival.

Ten food vendors and fifteen arts and craft vendors also participated.

The Executive Director thanked Gable Music Ventures for their part in producing the event, and the assistance of the City of Milford.

They are extremely excited and look forward to the 2019 Music Festival.

Other activities included developing and implementing a new strategic plan this year. A new mission was developed:

“Partnering to build Milford’s historic downtown into a unique, vibrant and livable place for all.”

He also further discussed the following matters:

Volunteer hours estimated 604 hours valued at an estimated \$13,612

Volunteer Picnic on August 19 to honor all volunteers for the year - 35 attendees

New volunteer brochure

Economic Vitality:

New downtown brochure being handed out at local businesses and the Smyrna rest stop

Developing access to information site providing information on available building spaces in conjunction with the City Planning Office

Worked with Kent County Tourism and DE Turf to offer Milford Goody Bag and button/pin that will encourage

shopping by DE Turf attendees and provide discounts

Farmers Market (concludes October 6th):

33 Vendors

3,162 estimated shoppers

\$46,243 estimated total sales

Fall Harvest-November 17th (Saturday before Thanksgiving)

Grand opening of the Bank House B&B following a \$277,000 community investment

New business brochure being finalized

Promotion Committee:

Ladybug Festival

16 Venues including 14 downtown businesses

40 Female musicians including female led bands

10 Food vendors and 15 art, craft and clothing vendors

Third Thursdays:

Artists & Artisans Light Up the River, Milford City Birthday Party

Preliminary meetings:

Holiday Stroll, Santa House, Shop Small Saturday

Event rack card update

Design Committee:

Maintaining Milford in Bloom

Sail Banner Project moving forward

30 Branded Bicycle Racks (6 installed)

Holiday Wreath Fundraiser

Miscellaneous:

Building and Ground Maintenance Continues

Councilmember Peel commented that the Ladybug Festival on Saturday was very successful. She liked the idea of new and different food trucks than have been at DMI events in the past.

She concluded by stating there were so many music opportunities throughout the downtown, that she was unable to get to all of them, which is a great example of the goal of having so many activities to choose from.

Mr. Zlotziver added there were a substantial number of new visitors to Milford which is something DMI always strives for with these events.

Quarterly Update/Milford Museum

The following report was read into record on behalf of Executive Director Claudia Leister, who was unable to attend the workshop:

- 1) Held annual "Roaring 20s Lawn Party" at Causey Mansion. We sold about 100 tickets despite the terrible weather.
- 2) Director Claudia Leister was interviewed at Seaford TV station to talk about the Museum.

- 3) Museum information booth set up on Walnut Street for Freedom Festival.

EXHIBITS

- 1) The new exhibit for 2018 is entitled "Made In Milford". It contains an abundance of items made in our City during the 20th & 21st centuries.
- 2) Partnered with Bayhealth to install "A Legacy of Caring: From Milford Emergency Hospital to Bayhealth Memorial Hospital". Grand Opening on July Third Thursday event saw over 80 people attend.

NOTE: Due to their specific nature, these exhibits will remain on display until 2020.

VISITATION

To Date the Museum has had over 1,700 visitors from 23 States and 5 Foreign Countries.

PROJECTS

- 1) Working with Xtreme Graphics to design artwork panel for the South side of the Museum using funds from Lions Club grant.
- 2) Completed 2019 Calendar of historic Milford photographs which is now on sale.
- 3) Designed (2nd in a series) Holiday Ornament highlighting the Causey Mansion. Last year's first one showed the Museum.
- 4) Quin Humes will begin work in the Museum basement for his Eagle Scout Project.

There being no further business, the Workshop concluded at 6:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 24, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 24, 2018.

PRESIDING: Mayor Archie Campbell

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

City Planning Director/Acting City Manager Rob Pierce, Police Chief Kenneth Brown and
City Clerk Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

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 Councilwoman Wilson.

RECOGNITION

Mayor Campbell complimented Chief Brown on the reception he had at the request of Mike Moyer to recognize the officer who helped in his successful saving efforts. WRDE news was also invited.

COMMUNICATION & CORRESPONDENCE

City Planner Pierce invited Council to the following event:

Parking Study of Milford's Central Business District on Tuesday, September 25, 2018 from 4:00 to 7:00 pm at Milford City Hall between 4:00 pm and 7:00 pm to view project materials and provide input. A brief presentation will be made at 4:15 and repeated at 5:15 and 6:15.

It is sponsored by City of Milford with support from the Dover/Kent County Metropolitan Planning Organization.

UNFINISHED BUSINESS

Authorization/Riverwalk Improvement Project/Change Orders

Parks and Recreation Director Brad Dennehy provided an synopsis of the following request:

As you know, we have the Riverwalk deck replacement project underway and it is being funded by three different sources, capital reserves, a grant from DNREC and transportation funds from DelDOT. In January of this year, the City signed a contract with Landscape Architectural Services to prepare plans, bidding documents and contract administration for \$24,755. The project was then put out to bid and came in higher with the add alternates than we anticipated, largely because of having to use the prevailing wages. A DNREC grant and transportation funds were obtained to cover the base bid and the add alternates in the amount of \$294,000. That bid was then awarded to Gerardi Construction by City Council.

Finance Director Jeff Portmann advised that the Landscape Architect's contract of approximately \$24,000 was not covered by any funding sources and that a request of funds, not to exceed \$25,000, would need to be paid from General Funds Reserves.

In addition, two minor change orders were added, one in the amount of \$4,202.45 and another for \$1,694.16. The first

change order is to tighten the existing wooden posts on the Riverwalk and the other is to drill new holes to accommodate the removal and replacement of the light poles.

The total requested out of General Fund Reserves is \$30,896.61.

Councilmember Morrow moved to authorize \$30,896.61 from General Fund Reserves, seconded by Councilmember Wilson. Motion carried.

Authorization/Police Department/HVAC Engineering Proposal

Chief Brown shared that he just received the proposal from Gite Associates, Incorporated. Scanning through the four-page document, their proposal is \$6,900 for the engineering study.

In addition, there are services not included in the total.

It will be presented to Council at a future Council meeting.

NEW BUSINESS

Adoption/Resolution 2018-17/Annexation Committee Investigation

Lands of Derek R. Parker & Shawn L. Bernhard, 7195 Cedar Creek Road, Lincoln

Councilman Brooks moved to adopt Resolution 2018-17, seconded by Councilmember Morrow:

At a later time during the meeting, no one from the public wished to comment on the resolution.

RESOLUTION 2018-17

Annexation/Lands belonging to Derek R. Parker & Shawn L. Bernhard

Tax Map 3-30-11.00-6.15

1.01 +/- Acres

Current Zone AR-1/Proposed Zone C-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

DEREK R. PARKER & SHAWN L. BERNHARD

7195 Cedar Creek Road, Lincoln, DE 19960

TAX PARCEL 3-30-11.00-6.15

BEING all that piece or parcel of land, hereinafter described, situate, lying and being located in Cedar Creek Hundred, Sussex County, Delaware; as shown on a plot entitled, "Boundary Survey of lands of Derek R. Parker & Shawn L. Bernhard" prepared by Davis, Bowen & Friedel, Inc., dated August 2018, said piece or parcel of land being more particularly described as follows:

BEGINNING at an iron rod with cap found at a point on the easterly right-of-way line of Cedar Creek Road, said beginning point being formed by the intersection of the southerly line of lands of, now or formerly, Bayhealth Medical Center, Inc., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 4890, Page 125, with the easterly right-of-way line of Cedar Creek Road; thence,

1) leaving said right-of-way line of Cedar Creek Road and running by and with said Bayhealth lands, the following 2 courses

and distances, North 75 degrees 14 minutes 26 seconds East 290.00 feet to a point; thence,

2) South 13 degrees 31 minutes 22 seconds East 153.24 feet to a point on the northerly line of lands of, now or formerly, Albert T. & Beverly J Coverdale, Trustee, as recorded in said Office of the Recorder of Deeds in Deed Book 2421, Page 89; thence,

3) leaving said Bayhealth lands and running by and with said Coverdale lands, South 75 degrees 51 minutes 31 seconds West 287.52 feet to a point on the aforementioned right-of-way line of Cedar Creek Road; thence,

4) leaving said Coverdale lands and running by and with said right-of-way line of Cedar Creek Road, along a curve to the left, having a radius of 13917.52 feet, an arc length of 150.11 feet and a chord bearing and distance of North 14 degrees 27 minutes 00 seconds West 150.11 feet to the point and place of beginning;

CONTAINING 1.01 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Motion carried.

Authorization/Funding Transfer/General Fund Reserves to City Hall Building Maintenance Account

Mr. Pierce referenced the following memo, submitted by City Manager Norenberg:

On Tuesday, September 11, over four inches of rain fell in Milford in a short period of time on already saturated ground. During that hour and a half downpour, water entered the basement of City Hall from a number of different points. Though we have seen rainwater intrusion in the basement on several occasions this year, water was entering through cracks, crevices, etc. that had never resulted in intrusion before. The purpose of this memo is to provide updated information to City Council and to request appropriation of additional funds for the initial stages of response.

When City Hall was remodeled in 2008, some work was done to seal the basement. However, that was unsuccessful. Since 2010, we have had 14 instances of water intrusion into the basement that required contracting with ServPro to bring in dehumidifiers, fans, extractors, etc. costing nearly \$15,000. (This does not include minor instances that did not require ServPro, the ongoing operation of the industrial dehumidifier in the basement, or the September 11 incident.) In some cases, the fans and dehumidifiers had to remain for several days, disrupting our staff and adversely impacting our customers.

Until this month, the worst storm incident was last summer when rainwater rushed into the basement via overtaxed drains at the exterior stairwells. Since then, we have kept sandbags at those doorways to be ready when heavy rain was predicted. Other staff and I have come in to City Hall on a number of occasions on evenings and weekends to move sandbags into position when heavy rains occurred that were not forecast or to check on possible damage so that response and recovery could begin sooner than Monday.

In the aftermath of prior storms, file boxes, computer hardware, and some furniture had been placed on pallets or blocks to elevate above the usual level of intrusion. We were fortunate that we only had 3-4 inches of water in the basement during this storm. Had those other measures not been taken or the water levels been higher, the damage would have been worse. Nevertheless, the damage from this storm and the likelihood of worse storms in the future require alternatives be evaluated.

My highest priority is the safety of our staff. Close behind that is the priority of keeping our IT systems up and running and serving our customers. As a result of the quickly-rising stormwaters, our staff were in wet waters near live electrical services and equipment. IT staff had to quickly shut down IT equipment to prevent significant damage. I am glad no employees were injured and that no major IT equipment was damaged. Fortunately, utility customers were only inconvenienced for few hours until systems could be restored.

ServPro arrived the evening after the storm to begin response so that our IT systems could be restored. As a result of the storm and requirements of the State Archives Office, all paper records were removed from the basement within 72 hours. Decisions were made to evacuate staff to safe quarters, away from developing mold and so they could work near the records that were required to be removed. Other furnishings that could be damaged from continued presence in the basement were removed and environmental testing was completed.

When planning for and managing any disaster, there are a number of stages:

- *Mitigation –Preparing to minimizing the effects of disaster.
- *Preparedness - Planning how to respond.
- *Response - Efforts to minimize the hazards created by a disaster.
- *Recovery - Returning to normal.

We are still in the response phase of this event, but are starting to plan for recovery and to mitigate from future events disrupting operations and possibly harming staff.

Response costs to date:

- *ServPro (extraction of water, preliminary drying of basement): \$2,000 (estimate)
- *Sussex Environmental (air and mold sampling and testing): \$885
- *Movers: \$1,600 (estimate)
- *Boxes: \$288

In the coming weeks we anticipate the following expenses to complete response and begin recover:

- *Final remediation (removal of remaining wet insulation, drywall, etc. removal of damaged carpet, and elimination/treatment of mold, etc.): Estimated cost: \$12,500
- *Future costs: I intend to present a plan to City Council during the October 8 City Council meeting that will address short-term (1-3 months) recovery and mitigation measures, including additional staff relocation plans and options for additional repairs to the basement. Key priorities as we develop these plans are:
 - *Preserve the health and safety of City employees and the public
 - *Provide excellent, convenient customer service
 - *Maintain centrally-located services in the downtown area
 - *Take cost-effective, responsible measures that appropriately address current needs and prepare for the future, including mitigating future risks In addition, we will identify any longer-term mitigation measures that may be necessary.

Councilmember Wilson moved to authorize and an appropriation from General Fund Reserves in the amount of \$17,500 to cover the initial recovery from the September 11, 2018 storm, seconded by Councilmember Starling. Motion carried.

Mr. Pierce announced that the Public Works team is working on evaluating additional space within existing buildings to locate departments around. When asked if the basement would eventually be empty, Mr. Pierce stated that in the short term because his department does not want to be in the Council Chambers for a couple months if there is going to be major work going on downstairs.

Councilmember Boyle confirmed the long term goal is to make the basement safe, dry and to reoccupy it. Mr. Pierce said that is to be determined.

Councilmember Boyle also asked if the City is able to purchase flood insurance; Mr. Pierce said anyone is able to purchase that type of insurance and Councilman Boyle suggested that be considered for the future. He asked if this is a recurring situation or did it just happen as a result of the last storm. Mr. Pierce stated that since he has been employed here, the rear of the basement, approximately ten to fifteen feet of carpet would get wet during a heavy rain event if it was driving from

a certain direction. He is aware there have been several attempts to make repairs, but was never successful. He recalled another time when the code officials' offices were wet and are on the other side of the basement.

Mr. Pierce said he was not present during the last event, though he thinks the entire downstairs was inundated with a couple inches of water and the worse he has seen.

Councilmember Culotta said his understanding this was addressed several years ago before Mr. Norenberg was hired and actually when the remodel was occurring. Mr. Pierce agreed the building plans show a drainage system was installed around the perimeter of the building. Unfortunately that was unable to handle the storm from two weeks ago.

Currently there are some basement contractors reviewing the facility to provide some plans on more permanent fixes of the water issues.

Short term, getting his department out of the Council Chambers and into something more of an office setting is the more urgent issue.

Mayor Campbell asked how bad the flooding was at the public works facility; Public Works Director Whitfield stated that some rain blew in along with some failures of stormwater pipes, but nothing in comparison to the flooding that occurred in the basement of City Hall. They were able to dry out within a few hours.

Councilmember Brooks reported that someone on Washington Street had eight inches of water in his basement and another person is still pumping out the water today. He also noted that on Tenth Street, where he lives, it was flooded.

Councilmember Wilson is aware of several residents in her area had a significant amount of flooding in their basements.

Councilmember Brooks explained that because cars go even faster than usual when Washington Street is flooded and throw the water up against all the houses which causes more flooding in the basements.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:25 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 7:42 p.m.

MPD Teamsters Negotiations

Mayor Campbell announced that no action was required.

ADJOURNMENT

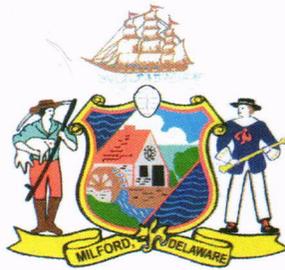
There being no further business, Councilmember Wilson moved to adjourn the Council Meeting, seconded by Councilmember Morrow. Motion carried.

The Council Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford



PROCLAMATION 2018-13 Dysautonomia Awareness Month

- WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;
- WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;
- WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;
- WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;
- WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;
- WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;
- WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;
- WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

Now, Therefore, Be It Resolved, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of October 2018, as Dysautonomia Awareness Month in the City of Milford.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 8th day of October 2018.

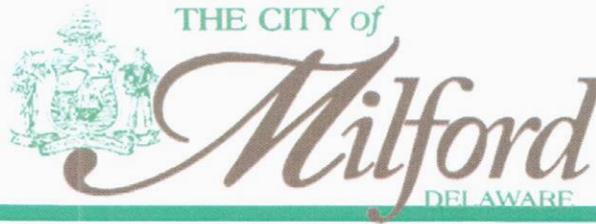
Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN
kenneth.brown@cj.state.de.us



400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Kenneth L. Brown, Chief of Police
DATE: October 3, 2018
RE: Activity Report/Sep 2018

MONTHLY STATS:

A total of 405 arrests were made by the Milford Police Department during September 2018. Of these arrests, 182 were for criminal offenses and 223 for traffic violations. Criminal offenses consisted of 36 felonies and 146 misdemeanors. Traffic violations consisted of 45 Special Duty Radar, 8 Drunk-Driving charges, 170 other.

Police officers investigated 57 accidents during the month and issued 80 written reprimands. In addition, they responded to 1,190 various complaints including city requests and other agency assistance.

MONTHLY ACTIVITIES:

Chief of Police –

Attended Meeting with City Officials in reference preparations for the arrival of Hurricane Florence.

Attend several meeting in reference to new Police Department building throughout the month of September, 2018.

Attended the I.G. Burton 110th Anniversary Celebration on September 15, 2018.

Attended a Hospital Fund Raiser event held at the Johnsons Residence on September 15, 2018.

Attended a follow-up meeting reference homeless activity in downtown Milford held at the Milford Public Library on September 18, 2018.

Held a Meet & Greet and Recognition event for the CPR survivor, officers and dispatchers involved in CPR incident on September 20, 2018.

Attended the Sussex Co. FirstNet Public Safety Overview meeting held at the Sussex Co. Emergency Operations Center on September 24, 2018.

Hosted the Milford Police Officer's Reunion held on September 29, 2018.

Training –

Chief Brown and four Staff members attended COGNOS Training on September 27, 2018, at the DEJLIS Training Center in Dover.

Two officers attended a three day TacOps East Tactical Conference held in Arlington VA.

Three officers attended Tactical Medical for First Aid training held at the Smyrna Police Department.

Community Policing –

Sgt. Masten, S/Cpl. Bloodsworth, and Pfc. Stanton all attended the annual Riverwalk Festival.

Sgt. Masten attended a Community Parade Committee meeting to discuss safety/traffic related issues associated with this year's parade.

Sgt. Masten and S/Cpl. Bloodsworth attended the annual Milton's Night Out event which was rescheduled from August.

Pfc. Stanton represented the department at two September 11th remembrance ceremonies, one at the Dover Air Force Base and the other in Georgetown.

Sgt. Masten initiated the public relations portion of our annual October fundraiser for the Delaware Breast Cancer Coalition. This year we're selling t-shirts in addition to the patches and hats we've sold in the past.

With the assistance of the Delaware Office of Highway Safety our community policing unit has obtained a new speed sign to help us educate area drivers to the posted limits on various streets. The new unit spent time on Seabury Avenue, Hearthstone Manor, North Washington Street, and Northeast Front Street during the month of September.

S/Cpl. Bloodsworth assisted Mispillion and Benjamin Banneker Elementary Schools with one of their two mandated "intruder drills". As part of the school safety act initiated by Gov. Markell each school is mandated to two intruder drills and one tabletop exercise each school year.

S/Cpl. Bloodsworth accepted an invitation to attend an event at the Delaware Veterans Home, where she displayed a vehicle for the residents there.

K9 Unit –

For the month of September 2018 the Milford Police Department K9 unit had the following stats:

- Utilized 13
- Building Searches 1

- Crowd Control 1
- Demo 2
- Drug Sniff 2
- Precaution 1

Seized Items

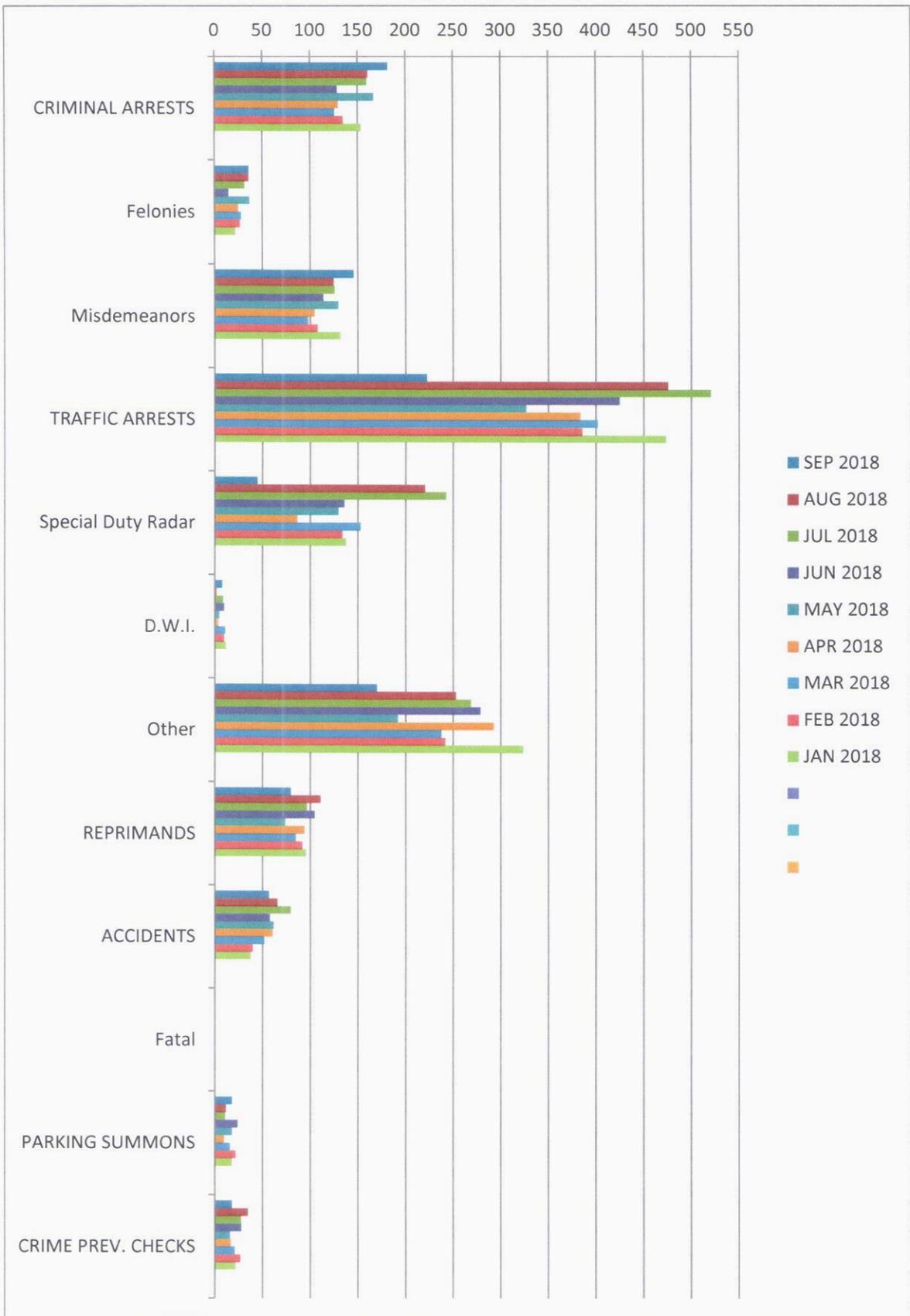
Amount

Value

- Currency \$2,817.27

SEP 2018 ACTIVITY REPORT

	SEP 2018	TOTAL 2018	SEP 2017	TOTAL 2017
COMPLAINTS	1190	11177	1333	10968
CRIMINAL ARRESTS	182	1344	170	1376
Felonies	36	258	24	210
Misdemeanors	146	1084	146	1161
TRAFFIC ARRESTS	223	3618	458	3633
Special Duty Radar	45	1287	185	1029
D.W.I.	8	71	1	32
Other	170	2260	272	2572
REPRIMANDS	80	834	95	1004
ACCIDENTS	57	514	59	495
Fatal	0	1	0	0
PARKING SUMMONS	18	149	30	137
CRIME PREV. CHECKS	18	212	67	250
FINES RECEIVED	\$8,697.15	\$ 75,206.20	\$ 8,563.27	\$ 78,026.95





City Manager's Report October 8, 2018

FINANCE DEPARTMENT

Customer Service Division

Payment Plan/Delinquent/New Accounts/Terminated Accounts	
Payment Plans Arranged	290
Sent to Collections	0
Delinquent Notices Mailed	1,985
Disconnect for Non-Payment	94
Accounts Not Re-Connected	5
Door Tags (requesting customer contact us)	27
Final Bills Mailed	65
New Services Set Up	133
Services Terminated	81
Total	2,680

Payments Processed	
Cash	\$178,028.42
Check	\$4,272,895.65
Money Orders	\$9,869.54
Direct Deposit Payments	\$695,517.96
Credit Card (Utilities)	\$127,382.76
Online Credit Card (Utilities)	\$368,446.03
Online Credit Card (Taxes)	\$19,902.47
Online E-Check (Utilities)	\$112,266.08
Online E-Check (Taxes)	\$17,358.76
City Accounts	\$43,753.34
Total	\$5,845,421.01

- We continue to have issues with the smart meters not reading and communicating with the software. Multiple hours are spent on the phone with the two software companies.
- The contracted, temporary employee (Customer Service Floor Supervisor) who started in August is no longer with us.

Accounts Billed for the Month	
Residential	6036
Small General	749
Medium General Service	365
Contract Services	3
Large General Service	6
General Service Primary	14
City Accounts	52
Lights: Street/Security	177
Total	7,402

Information Technology Division

Issues Addressed	
Administration/Council	7
Customer Service	11
Finance	15
Parks & Recreation	3
Planning	33
Police	1
Public Works	7
Information Technology	19
Vendor/3 rd Party	14
Total	110

- Does not include routine maintenance items such as changing back up tapes, performing morning systems checks, etc.

PARKS & RECREATION DEPARTMENT

Parks Division

- The Riverwalk decking removal and replacement project continued through September. Currently the contractors are working on the area behind the State Service center building on SW Front Street. Contractors have lost several days due to rain, but continue to make progress. Along the elevated areas of the Riverwalk the light poles were removed by Electric staff and will be sent off to be powder coated and then will be reinstalled and will look like new.
- With the flash flood and after effects of Hurricane Florence along with a lot of rain in September, it has been a real challenge to keep up with mowing. Even currently we are still trying to catch up due to the subsequent grass growth.
- Park staff were involved in storm preparations for Hurricane Florence and assisted other departments as needed leading up to, during and post event.
- Following the flooding event at City Hall, the park staff assisted with removing items from the basement. They moved all office walls to the Armory and removed most of the carpeting in addition to hauling electronics to be recycled. This was a good utilization of their time as during this period it was too wet to cut and saved the City from having to bring in outside contractors to do this work.
- Staff were involved in preparations and the day of the Riverwalk Freedom Festival. This year was a challenge with the rain. It was decided at the last minute to postpone the fireworks due to rain and low turnout. Fireworks have since be rescheduled by the Chamber of Commerce for October 27 in Bicentennial Park. Most music acts who were scheduled to perform will be returning to play.
- Park staff assisted with trash removal for the first annual Ladybug Music Festival. From all accounts this was a well-attended event which utilized a lot of the park and Riverwalk areas.
- Park staff prepared the parks and Riverwalk area for the annual birthday celebration for the City of Milford, held in conjunction with DMI’s third Thursday.

Recreation Division

- Instructional Field Hockey has begun and is being held on a Sunday at Milford High School.
- Fall Soccer began with practices and games ranging from U8-U15. Practices and games are held both in the evenings and on Saturdays at Tony Silicato Memorial Park. Several games have been missed due to the wet field conditions but make up games will be scheduled.



PLANNING & DEVELOPMENT DEPARTMENT

Building Inspections & Permitting Division

Building Permits Issued	
Commercial Foundation	0
Commercial Building Permit	2
Construction / Office Trailer	0
Demolition	3
Residential New Construction	6
Residential Renovation/Accessory Structure	7
Roof/Siding	4
Sign	0
Solar Panels	1
Utility (Electric/Water	3
Total	26

Economic Development Division

Downtown Development District	Investment since 09/16
Private Developers & Homeowners Investment	\$9,236,491.00
State of DE Grants (Reserved or Received)	\$1,205,290.00
Kent/Sussex County Matching Grants	\$21,500.00
City Fee Waivers/Tax Abatements	\$128,098.64

Code Enforcement & Licensing Division

Case Activity		Case Violations		Inspections & Licensing	
New Cases	20	Abandoned Vehicle	2	Rental Licenses Issued	3
Closed Cases	3	Dangerous Tree	0	Vendor Licenses Issued	0
Open at Start of Month	237	Furniture	2	Contractors Licenses Issued	16
Open at End of Month	258	Generic	2		
		Property Maintenance	0		
		Rubbish/Garbage	2		
		Weeds & Grass	12		
		Zoning Use	0		
		Total	20		

**184 of the 258 Open Cases are for tall grass which stay open the entire growing season.*

- 461 of the 784 rental units in Sussex County have been inspected since March 1, 2018 (approximately 59%). Approximately 85% of these units comply.
- Courtney Butler, Code Official II, started employment this month.
- The Director interviewed candidates for the vacant Building Code Official position and is in the process of selecting.

Planning & Zoning Division

- The Planning Commission did not have a quorum for the regular September meeting. The two public hearings were postponed to the October meeting. The Commission rescheduled the Il Nostro Locale (Touch of Italy) Preliminary Site Plan application for the following week and it was approved.
- At the October Planning Commission meeting the following applications will be reviewed: Mispillion Realty for a conditional use (to allow a billboard), Bayhealth for a final major subdivision, McColley for a final minor subdivision, Annexation of City land, Ordinance 2018-25 for changes to the Flood Plain Management Code, Bayhealth for a final site plan, and Il Nostro Locale (Touch of Italy) for a final site plan.
- The Board of Adjustment met in September and approved variance requests for Il Nostro Locale (Touch of Italy) and Windward on the River commercial and residential.
- At the October Board of Adjustment meeting, the following variances will be reviewed: Strine to allow a deck closer than code allows.
- The City is performing a Downtown Parking Study with assistance from Whitman Requardt and Associates (WRA) and funding by the Dover/Kent MPO for the central business district. During the summer months, WRA performed an existing conditions analysis that determined the number of public and private parking spaces in the downtown area, along with parking counts and turnover rates for the public off-street and on-street spaces. The team held public meetings and met with local organizations in September to gather feedback as part of the public outreach component of the study. The final report should be prepared by the end of November with findings and recommendations.
- The Director worked with DMI and other volunteers to finalize DMI's voluntary architectural design guidelines.
- Branded bike racks were delivered to DMI and the City helped install several in the downtown area.

PUBLIC WORKS DEPARTMENT

Electric Division

September 2018	
Power Outages	>12**
Poles/Pedestals Replaced (due to age, rot or damage)	0
Closed Work Orders	10
Trouble Service Calls	30
After Hours Calls	15
New Electric Service Installed	27
Preventative Maintenance/Trees Trimmed	>25*
Miss Utility Locates	282

- 9/4/18 Electric Crew installed new electric services at Walnut Village and Milford Ponds at the following addresses; Walnut Village-18605 Eleanor Ln., Milford Ponds-7313 Clubhouse Dr., 7317 Clubhouse Dr., 7319 Clubhouse Dr., 7321 Clubhouse Dr., 7323 Clubhouse Dr., 7325 Clubhouse Dr., 7327 Clubhouse Dr.
- 9/5/18 Electric Crew installed new electric service in Fork Landing at 19604 Drummond Dr.
- 9/5/18 Electric Crew pulled light poles from boardwalk on the Riverwalk and removed bolts.
- 9/6/18 Electric Crew removed 3 old services at the Abbotts Grill Shopping Center in preparation for the AMI upgrade. Electric Crew pulled new wire for the services.
- 9/7/18 Electric Crew checked all receptacles and turned on all breakers downtown in preparation for the Freedom Festival.
- 9/10/18 Electric Crew cut down tree at Marvel Road that was dead and in power lines.
- 9/10/18 Electric Crew took apart transformer at DEL2 to get ready for the bushing replacement.
- 9/11/18 Electric Crew stocked trucks, sharpened chains on chainsaws, *trimmed trees along distribution line, and made necessary preparations for Hurricane Florence.
- 9/11/18 **Storm-Variou outages throughout City. Areas affected included: Lucia Circle, Brightway Commons, Public Works (servers down, no email, no phones due to flooding at City Hall basement), flooding on east side of PW Admin building.
- 9/12/18 **Storm-Lightning strike near Orchard Hill caused outage to most of development.
- 9/12/18 Electric Crew pulled bushing on transformer at DEL2 for replacement and testing.
- 9/13/18 Electric Crew installed new electric services at Lighthouse Estates at 128 Shore Ln.
- 9/17/18 Electric Crew reconnected transformer at DEL2 and poured a concrete step for the control house.
- 9/18/18 Electric Crew cut tree on Abbotts Pond Rd. to clear area for pole for new service.

- 9/18/18 Electric Crew changed out the transformer at the Best Ace Hardware sign on Rt. 14 due to issues.
- 9/19/18 Electric Crew turned on lights at the Brookstone Trace development.
- 9/19/18 Electric Crew fixed and grounded poles and arrestors behind Georgia House for the Lady Bug Festival, repaired a light at Walnut Village, and repaired an outlet at the water tower.
- 9/20/18 Electric Crew installed new service at Abbotts Pond Rd and at Milford Ponds-7455 Pinwheel Dr., 7453 Pinwheel Dr., 7447 Pinwheel Dr., 7445 Pinwheel Dr., Lot 473 Corner Lot, 7456 Pinwheel Dr., 7454 Pinwheel Dr., 7452 Pinwheel Dr.
- 9/21/18 Electric Crew started hanging the switch for the 100 circuit at Mohawk on Rt. 36.
- 9/24/18 Electric Crew installed new security light at 1039 Milford-Harrington Hwy.
- 9/25/18 Electric Crew turned on transformer at DEL2, poured concrete step for the control house at the tap station.
- 9/26/18 Electric Crew installed new electric services at West Shores-20533 Smithfield Circle, 20531 Smithfield Circle, 20525 Smithfield Circle, 20526 Smithfield Circle, 20524 Smithfield Circle.
- 9/27/18 Electric Crew helped to locate and repair a bad underground at East Coast Poured Walls at 331 Rehoboth Blvd.
- 9/27/18 Electric Crew changed out bad underground service at 709 NE 10th St.
- 9/28/18 Electric Crew finished installing switch on the 100 circuit at Mohawk.
- 9/28/18 Electric Crew installed new electric services at Milford Ponds-7450 Pinwheel Ln, 7448 Pinwheel Ln., Lot 480 Corner Lot.

Water/Wastewater Plant Operations Division

- Saturday Sept. 8th Heavy rain – Ben, Shawn, and Steve, SE Second street, Shawnee Acres, and Lighthouse high level. Second Street fried Squirrel Blew transfer fuse.
- Tuesday Sept. 11 Heavy Rain. 7 Pump Stations High Level. (Truitt, Lighthouse, Shawnee Area's, Washington Street, North Shore, North Street and Baltimore Air Coil.)
- During heavy rain fall we had water coming up through manholes on Denny Road and N.E. Front Street. DENREC was notified and followed up with a letter prepared by City Engineer Erik Retzlaff. See Photos



Denny Road 9/11/18 5:00 PM



N.E. Front Street 5:00 PM

- Baltimore Air Coil Pumps stopped working, pulled both pumps, (all clear, check air releases, cleaned check valves.) still not pumping. Hooked up by-pass pump for the weekend and everything worked fine. Monday 9/17, turn regular pumps on and everything worked fine. Conclusion was that there was air in 4" main line. The by-pass pump forced enough fluid through to push air out.. All good now. We are going to purchase new air release valves for the 4" main.



Charlie, Eric, Leroy, Shawn and Howard at BAC Pump Station.

- September 27 Ben two electric meter reconnects. 2 hours OT
- Having issues with Tablet Chlorine units. We have been trying to regulate Residuals with the weather we are having makes it difficult. I did notify Office of Drinking Water so they were aware of.
- Leroy Lehman has been working with Shawn on Well Readings, Chemicals, trouble shooting Fluoride Pumps, Chlorine units, Chlorine residuals and pump stations. It has been a busy month with heavy and continuous rain fall.

Street & Utility Division

- Swept around town on streets and development.
- Crews took out ice maker and cap water line and drains for new cabinet.
- Had crew remove hit fire hydrant at Se 2nd & Bridgeham and rebuild and replace.
- Howard had to turn water line on at Brookstone Trace to test new water service.
- Crews help billing with a lot of rereads for a couple of day do to shorthanded.
- Clean storm drain out for storm.
- Crews had to put sign on the road about high water.
- All hands were used to get ready for hurricane. Like generators, fuel up equipment, sand bags.
- Sent a crew out to look at stop signs at Orchard Hill 18 sign needed.
- Clean up debris form storm, and clean up storm drains and removed signs.
- Fill in a wash out at McColley from water running down road way.
- BAC pumping stations pumps would not pump out had suck out with truck until bypass pump was hook up.
- Crew hook up bypass pump at Bac station for 2 days.
- Worked on pumps at BAC, pull pumps with service truck, and got station back on line.
- Remove of bypass pump and fixing driveway that sewer truck tor up.
- Crews install 4 new bike racks for DMI with the help of Rob.
- Did flow test on fire hydrant on Mullet Run to fire Marshall.
- Crew repair a storm drain that had fell in at West & NW 2nd.
- Disconnect water and sewer at 20 Marshall St. for demo.
- Rebuild and replace fire hydrant that was hit on RT 14 & RT 15.

- Took delivery of new John Deere loader 544k 11 and new crack sealer.
- Crew filled 180 sand bags to be ready for next storm.

Solid Waste Division

Containers Delivered or Serviced	
Bulk Collection	47
Brush Collection	3
NEW CONTAINER DELIVERIES	
Trash	5
Recycle	4
Yard Waste	6
CONTAINERS SERVICED	
Swap size/Missing	8
Damage Repair/Replace	50

- Solid Waste/Recycling/Yard Waste Diversion Report submitted with updates from the month of August as attached in the report.

**The amount of waste diverted from the landfill through recycling and yard waste program.*

Administration

- Worked with various departments with the flooding of City Hall. Worked with architect to evaluate alternative locations for staff.
- Met with vendor regarding updating the City's fuel usage tracking system

SOLID WASTE/RECYCLING MONTHLY DIVERSION REPORT

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	TOTAL	DIVERSION
<i>Jan-18</i>	251.67	51.97	0.00	10.2	313.	19.8%
<i>Feb-18</i>	221.90	54.02	0.00	10.5	286.	22.5%
<i>Mar-18</i>	242.01	54.09	0.00	31.3	327.	26.1%
<i>Apr-18</i>	235.39	63.67	0.00	58.8	357.	34.2%
<i>May-18</i>	296.89	73.84	0.00	48.8	419.	29.2%
<i>Jun-18</i>	273.81	65.83	0.00	67.7	407.	32.8%

<i>Jul-18</i>	262.74	61.66	0.00	51.8	376.	30.2%
<i>Aug-18</i>	289.32	67.50	0.00	53.5	410.	29.5%
<i>Sep-18</i>	0.00	0.00	0.00	0.0	0.00	#DIV/0!
<i>Oct-18</i>	0.00	0.00	0.00	0.0	0.00	#DIV/0!
<i>Nov-18</i>	0.00	0.00	0.00	0.0	0.00	#DIV/0!
<i>Dec-18</i>	0.00	0.00	0.00	0.0	0.00	#DIV/0!

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	<u>TOTAL</u>	<u>DIVERSION</u>
<i>2014</i>	3206.04	645.88	243.90	472.08	4567.	29.8%
<i>2015</i>	3077.95	642.20	259.49	446.27	4425.	30.5%
<i>2016</i>	3104.05	651.45	415.39	462.27	4633.	33.0%
<i>2017</i>	3094.07	696.63	221.92	559.56	4572.	32.3%
**2018 (YTD)	2073.73	492.58	0.00	332.76	2899.	28.5%

**DSWA will no longer be reporting drop-off center recycling totals.*

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: August 2018

Cash Balance - General Fund Bank Balance	1,823,779
Cash Balance - Electric Fund Bank Balance	1,478,125
Cash Balance - Water Fund Bank Balance	1,635,294
Cash Balance - Sewer Fund Bank Balance	870,880
Cash Balance - Trash Fund Bank Balance	62,043

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	432,702	119,237	2,449,735	\$418,308
Deposits		67,639	50,920	
Interest Earned this Month	665	351	4,615	
Disbursements this Month	(78,194)		(41,666)	(\$815)
Investments				
Ending Cash Balance	\$355,173	\$187,227	\$2,463,604	\$417,493

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	2,785,169	8,115,248	3,771,547	9,145,248
Deposits				
Interest Earned this Month	3,841	11,192	5,202	13,415
Disbursements this Month	(292)	(852)	(396)	(1,021)
Investments				
Ending Cash Balance	\$2,788,718	\$8,125,588	\$3,776,353	\$9,157,642

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	2,023,203	\$1,276,604	\$580,015
Deposits	59,072	\$31,221	\$12,000
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,082,275	\$1,307,825	\$592,015

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	6,024	Water Fund	255
GF Capital Reserves	5,956	Water Capital Reserves	17,353
Municipal Street Aid	504	Sewer Fund	2,352
Real Estate Transfer Tax	7,816	Sewer Capital Reserves	8,065
Electric Fund	9,843	Trash Fund	255
Electric Reserves	20,798		

TOTAL INTEREST EARNED TO DATE \$79,221

REVENUE REPORT

Page Two

17% of Year Expended

Date: August 2018	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Economic Development Fund	125,000	0	45,415	36.33%
General Fund Reserves	500,500	0	0	0.00%
Realty Transfer Tax-Police	500,000	41,666	83,333	16.67%
Real Estate Tax	3,927,717	3,884,119	3,898,861	99.27%
Business License	50,000	800	2,000	4.00%
Rental License	85,000	200	550	0.65%
Building Permits	160,000	23,732	38,217	23.89%
Planning & Zoning	15,000	5,900	11,060	73.73%
Grasscutting Revenue	16,000	2,000	4,000	25.00%
Police Revenues	462,485	14,814	62,430	13.50%
Misc. Revenues	376,065	7,072	27,025	7.19%
Transfers From	3,370,720	280,894	561,787	16.67%
Total General Fund Revenues	\$9,588,487	\$4,261,197	\$4,734,678	49.38%
Water Revenues	2,848,500	300,497	575,433	20.20%
Sewer Revenues	2,606,500	262,832	504,103	19.34%
Kent County Sewer	1,850,000	191,230	365,318	19.75%
Solid Waste Revenues	1,178,243	93,831	187,766	15.94%
Electric Revenues	25,125,000	2,804,100	5,309,016	21.13%
TOTAL REVENUES	\$43,196,730	\$7,913,687	\$11,676,314	27.03%
YTD Enterprise Expense		(14,077)		
YTD Enterprise Revenue		13,158		
LTD Carlisle Fire Company Building Permit Fund		150,123		

EXPENDITURE REPORT

Page Three

Date: August 2018

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	522,678	\$33,020	58,897	11.27%	463,781
O&M	117,430	\$7,118	12,943	11.02%	104,487
Capital	0	\$0	0		0
Total City Manager	\$640,108	\$40,138	\$71,840	11.22%	568,268
Planning & Zoning					
Personnel	145,345	\$11,204	20,200	13.90%	125,145
O&M	38,475	\$3,135	6,871	17.86%	31,604
Capital	0	\$0	0		0
Total P, C & I	\$183,820	\$14,339	\$27,071	14.73%	156,749
Code Enforcement & Inspections					
Personnel	312,525	\$10,409	18,849	6.03%	293,676
O&M	51,050	\$21,916	23,991	47.00%	27,059
Capital	0	\$0	0		0
Total P, C & I	\$363,575	\$32,325	\$42,840	11.78%	320,735
Council					
Personnel	31,230	\$2,710	4,202	13.46%	27,028
O&M	55,000	\$7,515	7,531	13.69%	47,469
Council Expense	17,500	\$1,305	8,580	49.03%	8,920
Contributions	175,500	(\$500)	75,000	42.74%	100,500
Codification	10,000	\$0	3,888	38.88%	6,112
Employee Recognition	21,000	\$0	0	0.00%	21,000
Insurance	18,200	\$0	4,349	23.90%	13,851
Christmas Decorations	10,000	\$0	0	0.00%	10,000
Economic Development	5,000	\$260	675	13.50%	4,325
Resident Survey	15,000	\$0	0	0.00%	15,000
Kent Economic Partnership	30,000	\$0	0	0.00%	30,000
Repair Parking Lot	15,000	\$0	0	0.00%	15,000
Armory Expenses	12,000	\$144	1,500	12.50%	10,500
Capital	30,400	\$0	0	0.00%	30,400
Total Council	\$445,830	\$11,434	\$105,725	23.71%	340,105
Finance					
Personnel	427,660	\$35,290	62,579	14.63%	365,081
O&M	84,850	\$7,976	10,820	12.75%	74,030
Capital	0	\$0	0		0
Total Finance	\$512,510	\$43,266	\$73,399	14.32%	438,111
Information Technology					
Personnel	159,366	\$12,246	21,753	13.65%	137,613
O&M	200,450	\$4,380	13,313	6.64%	187,137
Capital	49,000	\$16,920	26,612	54.31%	22,388
Total Information Technology	\$408,816	\$33,546	\$61,678	15.09%	347,138

EXPENDITURE REPORT

Page Four

Date: August 2018

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	4,199,720	\$314,063	561,361	13.37%	3,638,359
O&M	541,888	\$26,317	71,374	13.17%	470,514
Capital	95,100	\$83,374	83,374	87.67%	11,726
Total Police	\$4,836,708	\$423,754	\$716,109	14.81%	4,120,599
Streets & Grounds Division					
Personnel	394,200	\$27,612	50,640	12.85%	343,560
O&M	444,305	\$20,505	43,457	9.78%	400,848
Capital	182,000	\$0	0	0.00%	182,000
Total Streets & Grounds	\$1,020,505	\$48,117	\$94,097	9.22%	926,408
Parks & Recreation					
Personnel	701,515	\$60,098	117,401	16.74%	584,114
O&M	286,100	\$28,375	50,538	17.66%	235,562
Capital	189,000	\$3,947	32,660	17.28%	156,340
Total Parks & Recreation	\$1,176,615	\$92,420	\$200,599	17.05%	976,016
Total General Fund					
Operating Budget	\$9,588,487	\$739,339	\$1,393,358	14.53%	8,195,129

EXPENDITURE REPORT

Page Five

Date: August 2018

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	269,170	\$20,509	35,121	13.05%	234,049
O&M	1,216,187	\$75,368	175,347	14.42%	1,040,840
Capital	1,033,378	\$0	0	0.00%	1,033,378
Debt Service	329,765	\$18,948	18,948	5.75%	310,817
Total Water	\$2,848,500	\$114,823	\$229,416	8.05%	2,619,084
Sewer Division					
Personnel	267,659	\$20,052	33,855	12.65%	233,804
O&M	1,201,036	\$42,519	179,119	14.91%	1,021,917
Capital	742,315	\$0	0	0.00%	742,315
Debt Service	395,490	\$0	12,735	3.22%	382,755
Sewer Sub Total	\$2,606,500	\$62,571	\$225,709	8.66%	2,380,791
Kent County Sewer	1,850,000	\$190,766	364,858	19.72%	1,485,142
Total Sewer	\$4,456,500	\$253,337	\$590,567	13.25%	3,865,933
Solid Waste Division					
Personnel	355,828	\$24,802	45,944	12.91%	309,884
O&M	822,415	\$54,328	152,537	18.55%	669,878
Capital	0	\$0	0		0
Total Solid Waste	\$1,178,243	\$79,130	\$198,481	16.85%	979,762
Total Water, Sewer Solid Waste	\$8,483,243	\$447,290	\$1,018,464	12.01%	7,464,779
Electric Division					
Personnel	1,394,940	\$98,684	178,481	12.79%	1,216,459
O&M	2,055,683	\$123,696	270,772	13.17%	1,784,911
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	554,412	\$0	2,200	0.40%	552,212
Debt Service	319,965	\$0	0	0.00%	319,965
Electric Sub Total	\$6,825,000	\$430,714	\$868,120	12.72%	5,956,880
Power Purchased	18,300,000	\$1,751,150	3,432,626	18.76%	14,867,374
Total Electric	\$25,125,000	\$2,181,864	\$4,300,746	17.12%	20,824,254
TOTAL OPERATING BUDGET	\$43,196,730	\$3,368,493	\$6,712,568	15.54%	36,484,162

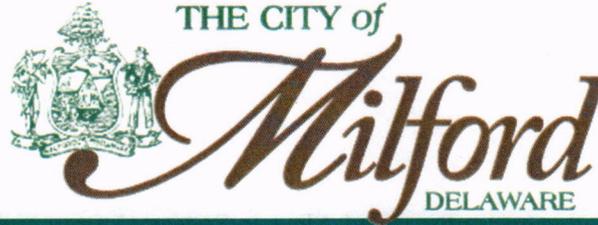
INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2018

ACCOUNT	AMOUNT BUDGETED	MTD	17% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	91,215	7,286	13,423	14.72%	77,792
O&M	106,393	8,213	17,786	16.72%	88,607
Capital	50,000	0	16,855	33.71%	33,145
Total Garage Expense	\$247,608	15,499	\$48,064	19.41%	199,544
Public Works					
Personnel	554,980	42,682	76,331	13.75%	478,649
O&M	206,055	18,943	32,920	15.98%	173,135
Capital	10,000	0	0	0.00%	10,000
Total Public Works Expense	\$771,035	61,625	\$109,251	14.17%	661,784
Billing & Collections					
Personnel	559,820	46,344	81,318	14.53%	478,502
O&M	225,650	14,832	33,185	14.71%	192,465
Capital	20,000	0	0	0.00%	20,000
Total Billing & Collections	\$805,470	61,176	\$114,503	14.22%	690,967
City Hall Cost Allocation					
Personnel	0				0
O&M	45,800	4,758	8,806	19.23%	36,994
Capital	0				0
Total City Hall Cost Allocation	\$45,800	4,758	\$8,806	19.23%	36,994

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



TO: Mayor Campbell & City of Milford Council Members
FROM: Annexation Committee
DATE: September 24, 2018
RE: Annexation Committee Report

A public meeting was held in Council Chambers on September 24, 2018 to consider the annexation request for lands described as:

Property Owner:	Irene Simpson
Location:	5919 S. Rehoboth Boulevard
Size:	1.90 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-1 (Community Commercial District)
Tax Map and Parcel Number:	3-30-11.00-043.00

APPLICANT

The property owner requests the 1.9 +/- acres of land containing a single-family detached dwelling located at 5919 S. Rehoboth Boulevard be annexed into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 3-30-11.00-043.00 and would be located in the 1st Ward of the City of Milford. The property is located along the east side of S. Rehoboth Boulevard, approximately 950 feet south of the SE Second Street intersection. The property is currently improved with a single-family detached dwelling unit and it is anticipated that the subject parcel will be incorporated into a larger commercial development with adjacent lands to the north.

STREETS

The owner/developer intends to incorporate the subject parcel into a larger commercial and residential project to the north and east. The proposed site entrance for these projects would be located on or near the subject parcel. Any entrance improvements along S. Rehoboth Boulevard will require approval from DelDOT. It is anticipated that any internal streets to the proposed commercial and residential development will be privately owned and maintained.

DRAINAGE

Any development involving this parcel will be subject to DNREC storm-water regulations and the developer would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property be zoned C-1 (Community Commercial District) under the City of Milford's Zoning Ordinance.

SEWER

The property is currently served by an individual septic system. The owner will be allowed to continue the use of this onsite system until such time that sewer becomes technically available. Any residential or commercial development of the property will require the connection to City sewer at the expense of the property owner/developer. The property would be served by a new sewage pumping station to be located along S. Rehoboth Boulevard. Additional fees, including County and City impact fees, will be required at the time of development.

WATER

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that central water becomes technically available. Any resident or commercial development of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure along S. Rehoboth Boulevard and Beaverdam Road. Additional fees, including City impact fees, will be required at the time of development.

ELECTRIC

The property is currently served by City electric. Any residential or commercial development of the property that requires additional electric infrastructure or capacity will be done at the expense of the owner/developer. Additional fees, including impact fees, will be required at the time of development.

UTILITY AGREEMENT

A utility agreement outlining all infrastructure costs may be required as part of a major subdivision or site plan application.

TRAFFIC

Any development of the parcel will be subject to DelDOT approval for access along S. Rehoboth Boulevard.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property does not contain state mapped wetlands. Also, the property is not located within an excellent groundwater recharge area nor is it located within the 100-year floodplain.

AREA LAND USES

The parcel is bound on the north and east by properties zoned C-3 (Highway Commercial) within the City of Milford. These parcels were formerly used for outdoor recreation (bating cages, mini-golf). The property immediately to the south is zoned R-3 (Garden Apartment and Townhouse District) within the City of Milford and extends east to Beaverdam Road. This property is part of the proposed multi-family housing project named "Windward on the River." The properties to the south and west located along S. Rehoboth Boulevard are larger residential lots containing single-family detached dwellings and are located within the unincorporated areas of Sussex County.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Low Density Residential, which allows the designation of areas for community commercial under the C-1 zoning district.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The subject parcel would be incorporated into the proposed shopping center to the north and would include the entrance to the shopping center and some areas of parking for one of the retail buildings. The redevelopment of the subject parcel and the adjacent commercial lands would provide an increase in property tax revenue for the City.

ADVANTAGES TO THE CITY

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. Potential for additional water and sewer customers. Expansion of electric usage on the sites.
4. The City would receive revenues (property tax, building permits, etc) associated with activity on this parcel and adjacent lands.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.
3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. An executed Annexation Agreement is required prior to final City Council approval.
5. The property will be served by City water, sewer and electric.
6. The annexation will benefit the City through additional revenues, including property taxes.
7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: C-1

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

Date

Planning Commission Chairman

Date



TO: Mayor Campbell & City of Milford Council Members
FROM: Annexation Committee
DATE: September 24, 2018
RE: Annexation Committee Report

A public meeting was held in Council Chambers on September 24, 2018 to consider the annexation request for lands described as:

Property Owner:	Derek R. Parker and Shawn L. Bernhard
Location:	7195 Cedar Creek Road
Size:	1.01 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-3 (Highway Commercial District)
Tax Map and Parcel Number:	3-30-11.00-006.15

APPLICANT

The property owner requests the 1.01 +/- acres of land containing a single-family detached dwelling located at 7195 Cedar Creek Road be annexed into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 3-30-11.00-006.15 and would be located in the 1st Ward of the City of Milford. The property is located along the east side of Cedar Creek Road approximately 325 feet south of the Wilkins Road intersection. The property is currently improved with a single-family detached dwelling unit and it is anticipated that the structure would be converted into a medical office.

STREETS

The single family detached dwelling currently has an entrance along Cedar Creek Road. Any commercial development or redevelopment of the property would gain access from Cedar Creek Road or through the Hall property to the north and east. Any entrance improvements or modifications along Cedar Creek Road will require approval from DelDOT. It is anticipated that any internal streets to the proposed use will be privately owned and maintained.

DRAINAGE

Any development involving this parcel will be subject to DNREC storm-water regulations and the developer would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property be zoned C-3 (Highway Commercial District) under the City of Milford's Zoning Ordinance.

SEWER

The property is currently served by an individual septic system. The owner will be allowed to continue the use of this onsite system until such time that sewer becomes technically available. Any residential or commercial development of the property will require the connection to City sewer at the expense of the property owner/developer. The property would be served by the planned southeast regional pumping station and/or associated infrastructure. Additional fees, including County and City impact fees, will be required at the time of development.

WATER

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that central water becomes technically available. Any resident or commercial development of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure in the southeast neighborhood. Additional fees, including City impact fees, will be required at the time of development.

ELECTRIC

The property is currently provided electric service by Delmarva Power. The owner will continue to use the services of Delmarva Power until such time the property is redeveloped for residential or commercial purposes associated with any adjacent lands. Costs of the improvements needed to provide electric service to the property shall be the responsibility of the owner/developer. Additional fees, including impact fees, will be required at the time of development.

UTILITY AGREEMENT

A utility agreement outlining all infrastructure costs may be required as part of a major subdivision or site plan application.

TRAFFIC

Any development of the parcel will be subject to DelDOT approval for access along S. Rehoboth Boulevard.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property does not contain state mapped wetlands. Also, the property is not located within an excellent groundwater recharge area nor is it located within the 100-year floodplain.

AREA LAND USES

The parcel is bound on the north and east by undeveloped agricultural land within the City of Milford that is zoned C-3 (Highway Commercial). The properties to the south are zoned AR-1 and contain similar single-family detached dwellings are larger residential lots. The property to the west, across Cedar Creek Road, is zoned IS (Institutional Service District) and is currently being developed as a regional health campus by Bayhealth.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Commercial, which allows the designation of areas for highway commercial uses under the C-3 zoning district.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

It is anticipated that the property taxes will increase on this property after redevelopment and the City would benefit from the revenues associated with building permits. Construction costs as well as user fees cannot be determined at this time.

ADVANTAGES TO THE CITY

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. Potential for additional water and sewer customers.
4. The City would receive revenues (property tax, building permits, etc) associated with activity on this parcel and adjacent lands.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.
3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. An executed Annexation Agreement is required prior to final City Council approval.
5. The property will be served by City water and sewer.
6. The annexation will benefit the City through additional revenues, including property taxes.
7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: C-3

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

Date

Planning Commission Chairman

Date

City of Milford



CITY COUNCIL AGENDA

Tuesday, October 9, 2018

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

6:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Adoption/Ordinance 2018-27/Electric Tariff Amendment/Appendix B/Residential Rates ©

Adjourn

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

© *Public Comment, up to three minutes per person, will be accepted.*

10//01/2018



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, OCTOBER 25, 2018
REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.
DINNER: 6:30 P.M. – 7:15 P.M.
PROGRAM: 7:15 P.M.

PROGRAM:

The League is pleased to welcome the Honorable Governor John Carney as keynote speaker for the October meeting. Governor Carney is a lifelong Delaware resident and has been serving our State for more than 30 years. Prior to his election as Governor, John was Delaware’s U.S. House of Representative member for three terms, Lt. Governor for two terms, and Secretary of Finance. He and his staff have encouraged and sponsored Delaware League Day in Legislative Hall the past two years.

Members and Associates are reminded that the DLLG – IPA Institute for Local Government Leaders is scheduled for Friday, November 16 in Dover.

The DLLG wishes to thank Zelenkofske Axelrod for sponsoring this month’s dinner meeting and complimentary social hour drinks.

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN 10/16/18

Mail To/Make Payable to: Delaware League of Local Governments • PO Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

City of Milford will have X attendees

List Attendees:

- () Check enclosed for () dinners @ \$30 each
- () Payment will be made at the door
- () Check mailed for () dinners @ \$30 each

Next Meeting: Thursday, January 24, 2019

AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES

THIS AGREEMENT, made and entered into the ____ day of ____, 2018, by and between **THE CITY OF MILFORD, DELAWARE**, a Delaware Municipal Corporation (herein after called "City") located within both Kent and Sussex Counties and whose mailing address is 201 South Walnut Street, Milford, Delaware 19963, organized and existing pursuant to the laws of the State of Delaware and the Kent Economic Partnership, a non-profit organization (herein after called "KEP") whose mailing address is 555 Bay Road, Dover, Delaware 19901.

WITNESSETH THAT:

WHEREAS, the City desires to acquire certain services from KEP in lieu of hiring additional permanent staff and expending additional City funds to accomplish these services; and

WHEREAS, the KEP and its member organizations desire to expand the economic prosperity of Kent County and Milford through a public-private partnership model that includes funding from private sources, other municipalities and Kent County Levy Court; and

WHEREAS, KEP will in the coming year develop services and resources to serve the economic development needs of the entire Milford community;

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

I. PURPOSE AND INTENT

The purpose of this Agreement is to procure certain economic development-related services for the City as hereinafter described and set out; to establish the methods, procedures, terms and conditions governing payment by the City for such services; and, to establish other duties, responsibilities, terms and conditions mutually undertaken and agreed to by the parties hereto in consideration of the services to be performed and monies paid.

II. SCOPE OF SERVICES

In consideration for the payment of \$30,000 in accordance with Section III, the KEP shall provide the following economic development related services to the City and Kent County during the term of this agreement:

- a. KEP agrees to provide City with the ability to participate in decision making, including at least one seat on the KEP Board of Directors and additional representation on other KEP committees, task forces and teams;
- b. KEP agrees to provide City with a breakdown of how the monies paid by the City to KEP is being used; The monthly KEP Financial Report will be provided to the KEP Board and included in the minutes and a copy of minutes of each Board meeting will be sent to the City Manager;
- c. KEP agrees to develop a system for managing, tracking and communicating leads on economic development-related activities and share access to this system with City;

- d. City and KEP agree to work collaboratively with other partners to create and share a database of available commercial and industrial properties, buildings and sites.
- e. KEP agrees to hold regular meetings between municipal and county Planners, Town and City Managers, local commercial real estate brokers, and other groups as may be determined for the purpose of encouraging economic development in Kent County and within partnering municipalities;
- f. City and KEP agree to hold quarterly meetings between the KEP Executive Director and the City Manager to provide status updates and get feedback;
- g. KEP's Executive Director will provide a quarterly report to City detailing publicly available information on KEP activity, leads, wins and plans for the upcoming period;
- h. KEP will provide City with quarterly financial reports and, when requested, presentations on KEP activity to the City Council.
- i. KEP and City will jointly evaluate grants/loans/incentives related to economic development in Milford that will benefit both Kent County and the entire City.

III. CITY RESPONSIBILITIES

As KEP provides the economic development related services outlined above, the City will support the work of KEP in the following ways:

- a. City will provide a prompt response to KEP related to inquires/leads, requests for information, and all other communications;
- b. City will provide assistance with applying for grants/loans/incentives related to economic development activities when there is a clear benefit for Kent County and the entire City, as determined by the City Manager and/or City Council;
- c. City will provide tours of available land, properties, etc. to KEP, prospective businesses, sites selectors and/or community stakeholders for the purpose of encouraging economic development;

IV. METHOD OF PAYMENT

Payment for services will be made by the City in one (1) lump sum payment, payable on or before November 15, 2018. The maximum total amount payable by the City under this agreement is \$30,000 as detailed in the SCOPE OF SERVICES (Section II of this contract), and no greater amount shall be paid. KEP will make available all receipts if requested by the City.

V. DURATION AND EXTENSION

This Agreement shall be effect from November 1, 2018, until November 30, 2019. If mutually agreeable to City Council and KEP, this Agreement may be extended. Such extension will be documented by written amendment, duly signed and dated by both parties. However, either party may terminate this contract due to non-fulfillment with 30 day's prior written notice.

VI. REQUIREMENTS

- a. Non-Discrimination: KEP will not discriminate against any employee, business, prospective business or investor because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.
- b. Compliance with Law: All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.
- c. Conflicts of Interest / Political Activity:
 - i. The elected officials, public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - ii. The board members, officials, employees and agents of KEP shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - iii. KEP shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms "political activities" and "legislative activities" shall have the meanings ascribed to them by the Internal Revenue Service.
- d. KEP is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

VII. TERMINATION

Either party may terminate this Agreement, with or without cause, upon 60 written notice to the other party.

VIII. INDEMNITY

City shall indemnify, defend, and hold harmless KEP from any and all suits, claims, demands, or actions arising from actions taken in connection with City's agreement for economic development related services. KEP shall indemnify, defend, and hold harmless the City from any and all suits, claims, demands, or actions arising from actions taken in connection with KEP's agreement to provide economic development related services.

IX. NOTICE

All notices, requests, demands and other communications, required or permitted under this Agreement shall be in writing, signed by or on behalf of the person giving such notice and shall be addressed to the following persons:

CITY:

Eric Norenberg, City Manager
201 South Walnut Street
Milford, DE 19963

KENT ECONOMIC PARTNERSHIP:

Linda Parkowski, Executive Director
555 Bay Road
Dover, DE 19901

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above.

Attest
CITY CLERK

Arthur J. Campbell, Mayor
CITY OF MILFORD

Witness

Gregg Moore, Board chair
KENT ECONOMIC PARTNERSHIP

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 16, 2018

CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, October 16, 2018 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, October 22, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-24

Change of Zone of Annexed Land belonging to City of Milford

Tax Parcel 3-30-15.00-058.02

6.50 +/- Acres

Current Zone AR1/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.5 +/- acres of real property from AR1 to IS on Elks Lodge Road, Milford, Delaware. Present Use: Municipal Electric Substation. Proposed Use: Same. Tax Map and Parcel: 3-30-15.00-058.02

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on October 16, 2018; and

WHEREAS, Milford City Council will hold a Public Hearing on October 22, 2018 to allow for public comment and further review of the ordinance; and

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

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

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.02, owned by City of Milford located on Elks Lodge Road, is hereby zoned IS.

Dates:

Planning Commission Review & Public Hearing: October 16, 2018

City Council Introduction: May 14, 2018

City Council Public Hearing: October 22, 2018

Adoption: October 22, 2018

Effective: November 1, 2018

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-422-1111.

Advertised: Beacon 09/26/18

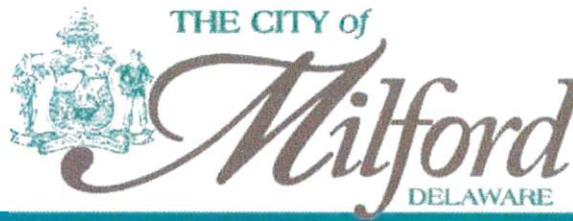


DATA SHEET FOR CITY OF MILFORD – ELECTRIC SUBSTATION

Annexation Committee: June 11, 2018
Planning Commission Meeting: October 16, 2018
City Council Meeting: October 22, 2018

Application Number / Name	:	16-004 / City of Milford – Electric Substation
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Owner	:	Same
Application Type	:	Annexation
Comprehensive Plan Designation	:	Employment
Current Zoning District	:	AR-1 (Sussex County)
Proposed Zoning District	:	IS (Institutional Service District)
Present Use	:	Municipal Electric Substation
Proposed Use	:	Municipal Electric Substation
Area and Location	:	6.5 +/- acres located along the east side of Elks Lodge Rd, approx. 300 feet south of the Wilkins Road intersection
Property Identification Numbers	:	3-30-15.00-058.02

ENC: Annexation Committee Report
Exhibit A - Location & Zoning Map
Exhibit B – Comprehensive Plan Land Use Map
Exhibit C – Written Petition
Exhibit E – OSPC Approval



TO: Mayor Campbell & City of Milford Council Members
FROM: Annexation Committee
DATE: June 11, 2018
RE: Annexation Committee Report

A public meeting was held in Council Chambers on June 11, 2018 to consider the annexation request for lands described as:

Property Owner:	City of Milford
Location:	Elks Lodge Road
Size:	6.5 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	3-30-15.00-058.02

APPLICANT

The City of Milford requests the 6.5 +/- acres of land containing the City’s electrical substation be annexed into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 1-30-3.00-80.02 and would be located in the 1st Ward of the City of Milford. The property is off of Elks Lodge Road and is the current location of the City’s electric substation.

STREETS

No Streets.

DRAINAGE

No Drainage.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The City requests the property to be zoned IS (Institutional Service District) under the City of Milford’s Zoning Ordinance.

SEWER

No sewer.

WATER

No water.

ELECTRIC

Existing City electric.

TRAFFIC

Entrances to Elks Lodge Road are controlled by DelDOT.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property does not contain state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). The property does not contain areas of excellent groundwater recharge.

AREA LAND USES

The parcel is surrounded on the west by the Delmarva Power electrical substation, to the south and east by the proposed Bayhealth Health Campus property and to the north by residential uses.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Employment.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The property is owned by the City of Milford; therefore, no taxes or other economic benefits are anticipated. City Council agreed to convey a small portion of the property to Bayhealth in exchange for utility easements located throughout the medical campus.

ADVANTAGES TO THE CITY

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. The annexation would allow the conveyance of a small unused portion of the parcel to Bayhealth to be incorporated into the proposed health campus property per the executed Bayhealth development agreement.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.

3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: IS

Owen S Brooke Jr
Council Representative/Committee Chairman

2/9/18
Date

James O. [Signature]
Council Representative

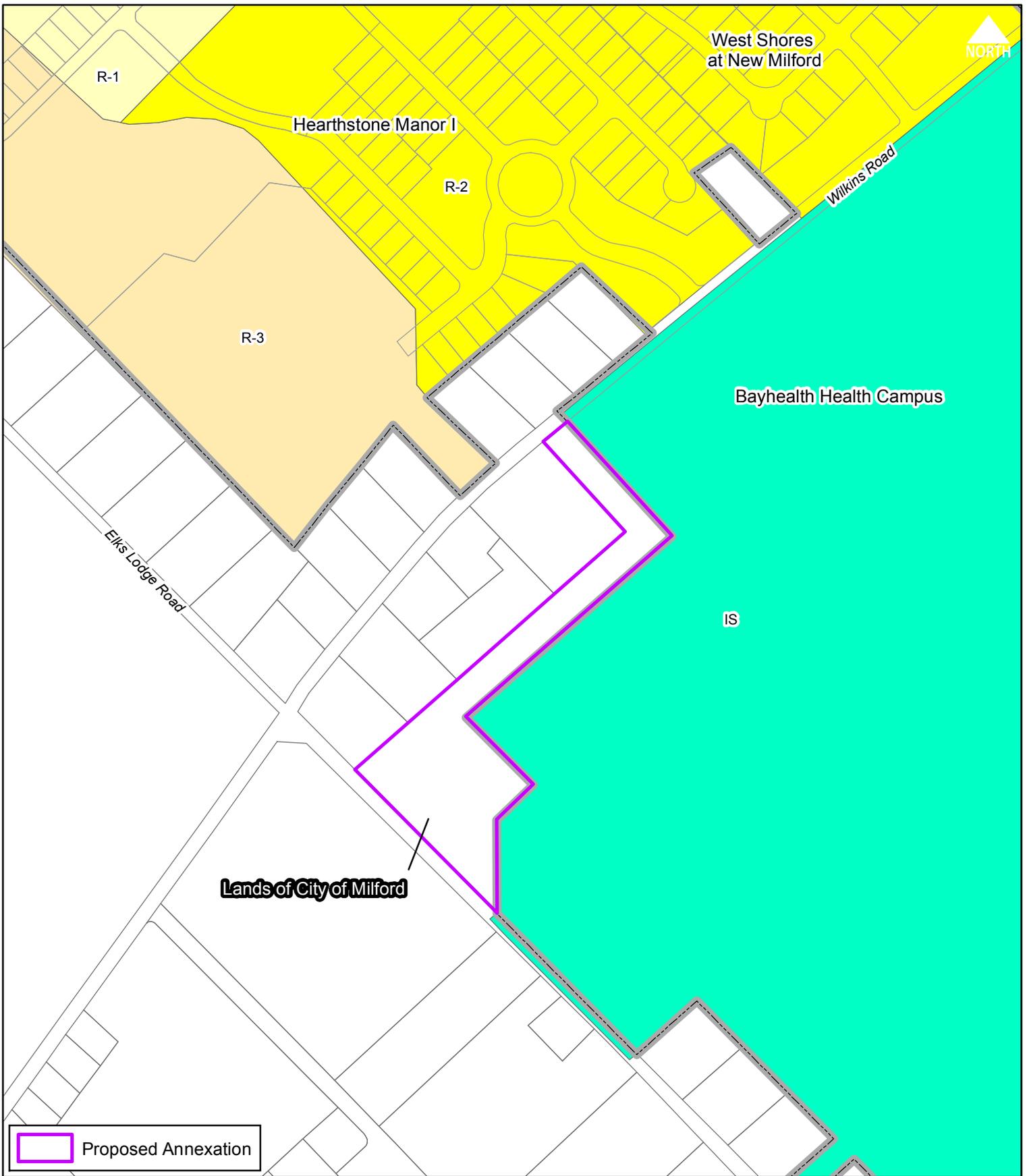
2/8/18
Date

[Signature]
Council Representative

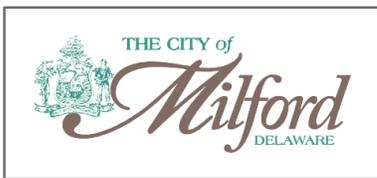
1/9/18
Date

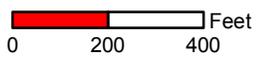
Not in attendance
Planning Commission Chairman

1/9/18
Date



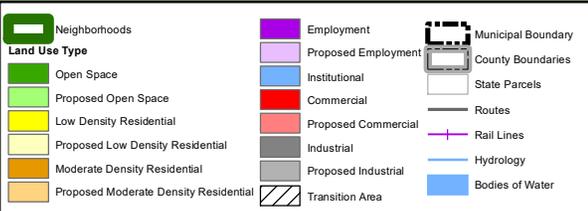
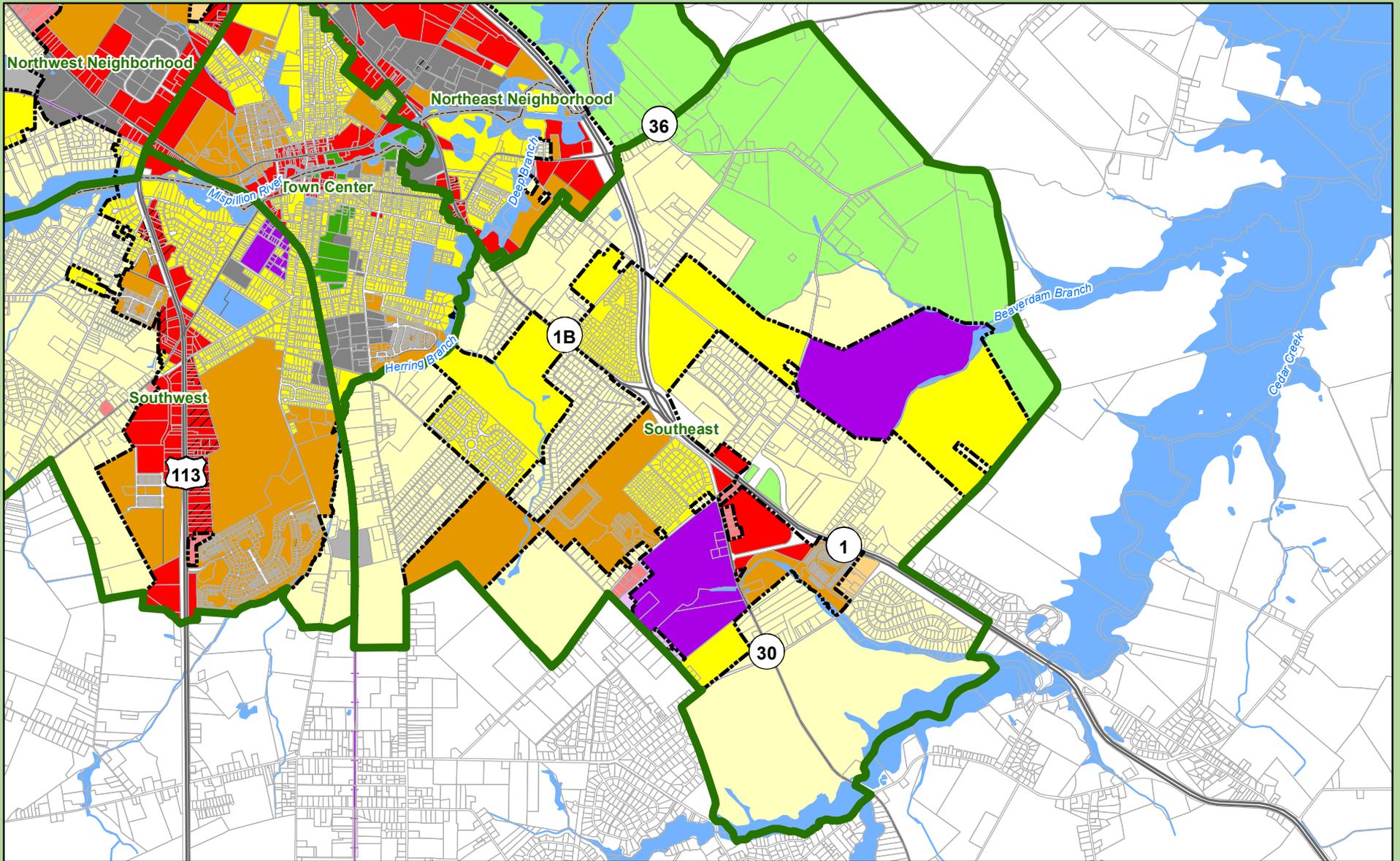
 Proposed Annexation



Scale:
 Feet
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 Drawn by: WRP Date: 04/17/18

Title:
 Proposed Annexation
 City of Milford
 Location & Zoning Map

Filepath: Annexation_CityofMilford.mxd

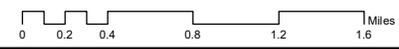


City of Milford, Delaware

Future Land Use

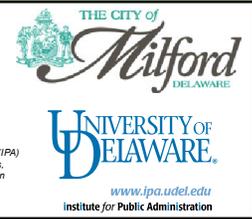
Southeast

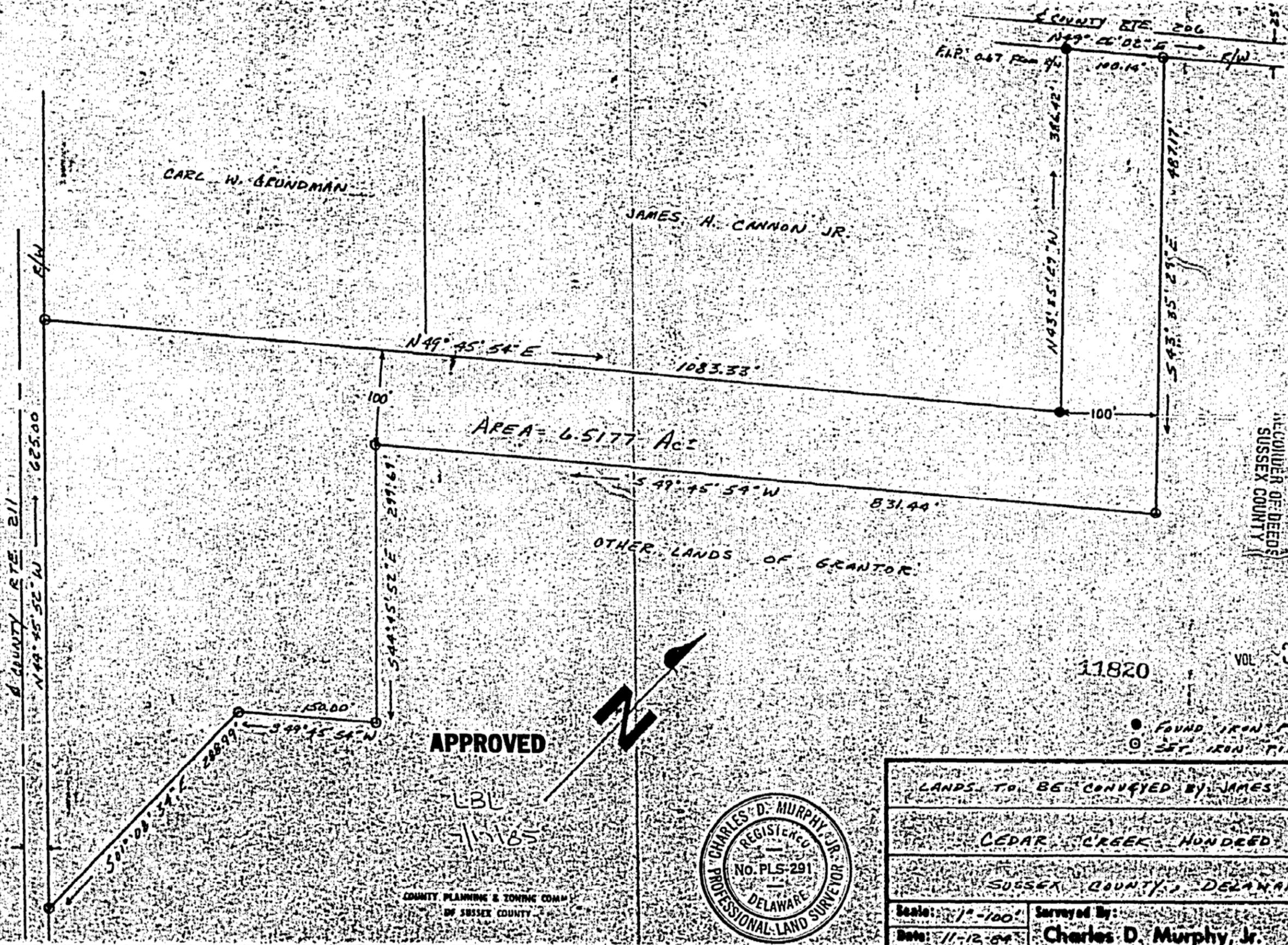
Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.





RECEIVED
MAY ANI IANHOHD
1905 JUL 18 PM 2 31
RECORDER OF DEEDS
SUSSEX COUNTY

11820 VOL 32 PAGE 316

APPROVED

LBL
7/1/85

COUNTY PLANNING & ZONING COMM.
OF SUSSEX COUNTY



LANDS TO BE CONVEYED BY JAMES H. VREGLAND	
CEDAR CREEK HUNDRED	
SUSSEX COUNTY, DELAWARE	
Scale: 1" = 100'	Surveyed By: Charles D. Murphy, Jr.
Date: 11-12-84	P.L.S. 291

270198 (5) 7-00

LEGAL DESCRIPTION
LANDS OF
CITY OF MILFORD
3-30-15.00-058.02

ALL that certain tract, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit:

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl w. Grundman; thence proceeding along said lands of Carl w. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands: thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe; 4) South 49 degrees 45 minutes 54 seconds west 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6. 5177 acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard s. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

September 10, 2018

Mr. Rob Pierce
Planning Director
City of Milford
201 S. Walnut Street
Milford, DE 19963

**RE: Plan of Services 2018-17 City of Milford Substation
Tax Parcel(s) 3-30-15.00-58.02**

Dear Mr. Pierce,

This letter is to confirm that we have received and accepted the completed Plan of Services for the above referenced annexation. The City has completed all relevant annexation requirements of Title 22, Section 101, and subsection (3) of the Delaware Code.

After this property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the annexation committee report and the official annexation resolution should accompany this notification. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written over a large, light-colored oval scribble.

David L. Edgell, AICP
Principal Planner

City of Milford



RESOLUTION 2018-18

AUTHORIZATION FOR PREPARATION & SUBMISSION OF AN APPLICATION THROUGH THE DRINKING WATER STATE REVOLVING FUND

WHEREAS, the City of Milford has initiated action to prepare a Drinking Water Lead Service Line Replacement Project; and

WHEREAS, the City of Milford has filed an application for \$900,000 to be issued in the form of a General Obligation Bond from the Delaware Health and Social Services, Drinking Water State Revolving Fund; and

WHEREAS, the City of Milford will be required to comply with the borrowing requirements as listed in its Charter prior to accepting any funding offer from the Drinking Water State Revolving Fund; and

WHEREAS, Delaware Health and Social Services requires that a resolution be adopted by the Grantee authorizing an individual by name and title to sign the Loan Agreement and other documents related to this project.

NOW THEREFORE, BE IT RESOLVED that the City of Milford authorizes preparation and submission of an application through the Drinking Water State Revolving Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 8th day of October 2018.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 18, 2018
CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

The City of Milford Planning Commission will hold a Public Hearing on **Tuesday, September 18, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance. The City of Milford City Council will hold a Public Hearing on **Monday, October 22, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the ordinance.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

ORDINANCE 2018-22

Mispillion Realty LLC on behalf of JGC&J Inc for a Conditional Use to
allow a billboard.

.5.39+/- acres in a C3 Zoning District;

Located at 910 and 916 S DuPont Blvd, Milford, Delaware.

Present Use: Vacant; Proposed Use: Billboard

Tax Map 1-30-3.19-001.00 & 1-30-3.19-003.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on September 18, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on October 22, 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 a billboard, as herein described.

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

Section 1. Upon the adoption of this ordinance by City Council, Mispillion Realty LLC on behalf of JGC&J Inc is hereby granted a Conditional Use Permit to allow a billboard, 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: September 18, 2018

City Council Introduction: October 8, 2018

City Council Public Hearing: October 22, 2018

Projected Adoption: October 22, 2018

Projected Effective: November 1, 2018

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 08/29/18

DATA SHEET FOR MISPELLION REALTY - BILLBOARD

Planning Commission Meeting: September 18, 2018

Application Number / Name	:	18-016 / Mispillion Realty - Billboard
Applicant	:	Mispillion Realty 715 S. Dupont Highway Milford, DE 19963
Owner	:	JGC & J Inc 1775 Wiehle Avenue, Suite 400 Reston, VA 20190
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Billboard
Size and Location	:	5.396 +/- acres located along the west side of S. Dupont Boulevard (Route 113) approximately 2,500 feet south of the Seabury Avenue intersection.
Tax Map & Parcel	:	1-30-3.19-001.00 & 003.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Aerial Map
Exhibit C – Floor Plan

STAFF REPORT
August 30, 2018

Application Number / Name	:	18-016 / Mispillion Realty - Billboard
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Billboard
Tax Map & Parcel	:	1-30-3.19-001.00 & 003.00
Size and Location	:	5.396 +/- acres located along the west side of S. Dupont Boulevard (Route 113) approximately 2,500 feet south of the Seabury Avenue intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct two (2) 12'x48', 30-foot tall billboards on the above referenced parcels as shown on the provided survey.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Conditional Use:

- Per Chapter 230, the Billboard shall be constructed and maintained in accordance with Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions, a copy of which is provided in the packet.
- The applicant's request is for a traditional billboard with a static message sign face and does not include an electronic message board.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The property to the south is the site of the proposed Cypress Hall residential development which will consist of a mixture of apartments, single-family detached and townhome housing units. The portion of Cypress Hall that abuts the subject parcel is the site of the proposed stormwater management pond for the subdivision. The property to the west is zoned C-3 Highway Commercial and is currently vacant. The property to the north is zoned C-3 and contain a home-based occupation. The properties to the east on the opposite side of Route 113 are zoned R-1 Single Family Residential and OB-1 Office Building. These properties contain a mixture of single-family detached residences, small office buildings, and churches. The area on the east side of Route 113 is shown as Transitional Commercial in the City's 2018 Comprehensive Plan, with the intent that this corridor will become commercially zoned on both sides of Route 113 road in the future.

B. An adjoining district in which the use is permitted.

Billboards are only permitted by conditional use within the C-3 Highway Commercial zoning district.

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

The Comprehensive Plan does not discuss a specific need for Billboard signage.

D. There is sufficient area to screen the conditional use from adjacent different uses.

As mentioned above, the property to the south contains a future stormwater pond and screening should not be a concern for the southernmost billboard. The property to the west is zoned C-3 and screening should not be a concern along the western property line. The property to the north contains an existing home based occupation. Based on the provided survey, the northernmost billboard would be constructed 25 feet from the property line and approximately 55 feet from the existing residential dwelling. The location of the northernmost billboard would be even with the front face of the dwelling unit and visible from the front yard area. Since the intent of the billboard is to be visible from traffic along Route 113, it would be difficult to screen the proposed structure from the adjacent use while maintaining sign visibility along Route 113. The applicant should consider moving the proposed northernmost sign further to the south to minimize negative impacts on the adjacent property.

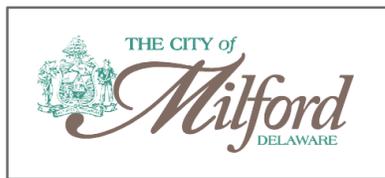
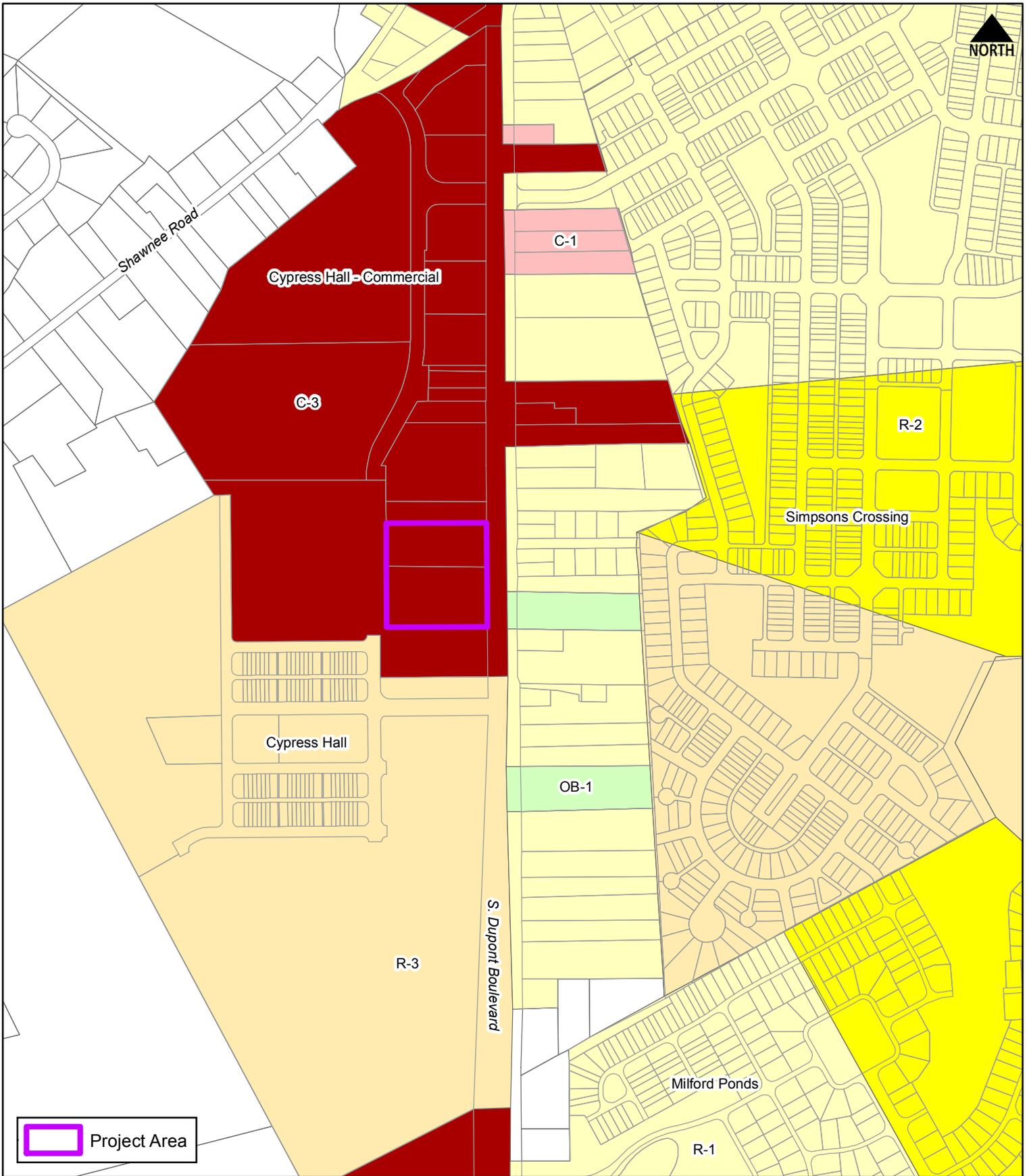
E. The use will not detract from permitted uses in the district.

The proposed use should not detract from existing and future commercial uses in the area, but may negatively impact some of the existing residential uses. The sign will be illuminated and may impact the neighboring property immediately to the north. However, as mentioned above, both sides of Route 113 are designated as Transitional Commercial in the 2018 Comprehensive Plan, with the intent that this corridor will develop with commercial type uses on both sides of Route 113 in the future.

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

The proposed use does not impact traffic patterns or require any off-street parking, except for the maintenance road access points for the two signs. Staff recommends that the billboards be located outside of the required front yard setback area, with a minimum setback of 30 feet from the edge of the right-of-way to the edge of the sign. Currently, the applicant proposes a 25' setback distance for each sign. In addition, staff recommends that the signs be located at least a minimum of the billboard height (30 feet) from the side property lines to reduce potential adverse influences on adjoining properties. The applicant should consider moving the northernmost sign further south to minimize impacts on the adjacent property to the north.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The sign should be constructed a minimum of 30 feet from the front property line and a distance of at least the height of the billboard from both side property lines.
 - The applicant must obtain approval from DelDOT per Title 17, Chapter 11-Regulation of Outdoor Advertising.
 - The applicant must obtain a building permit from the City of Milford for the construction of the sign, which will requires the submission of engineering plans.



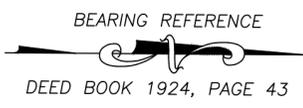
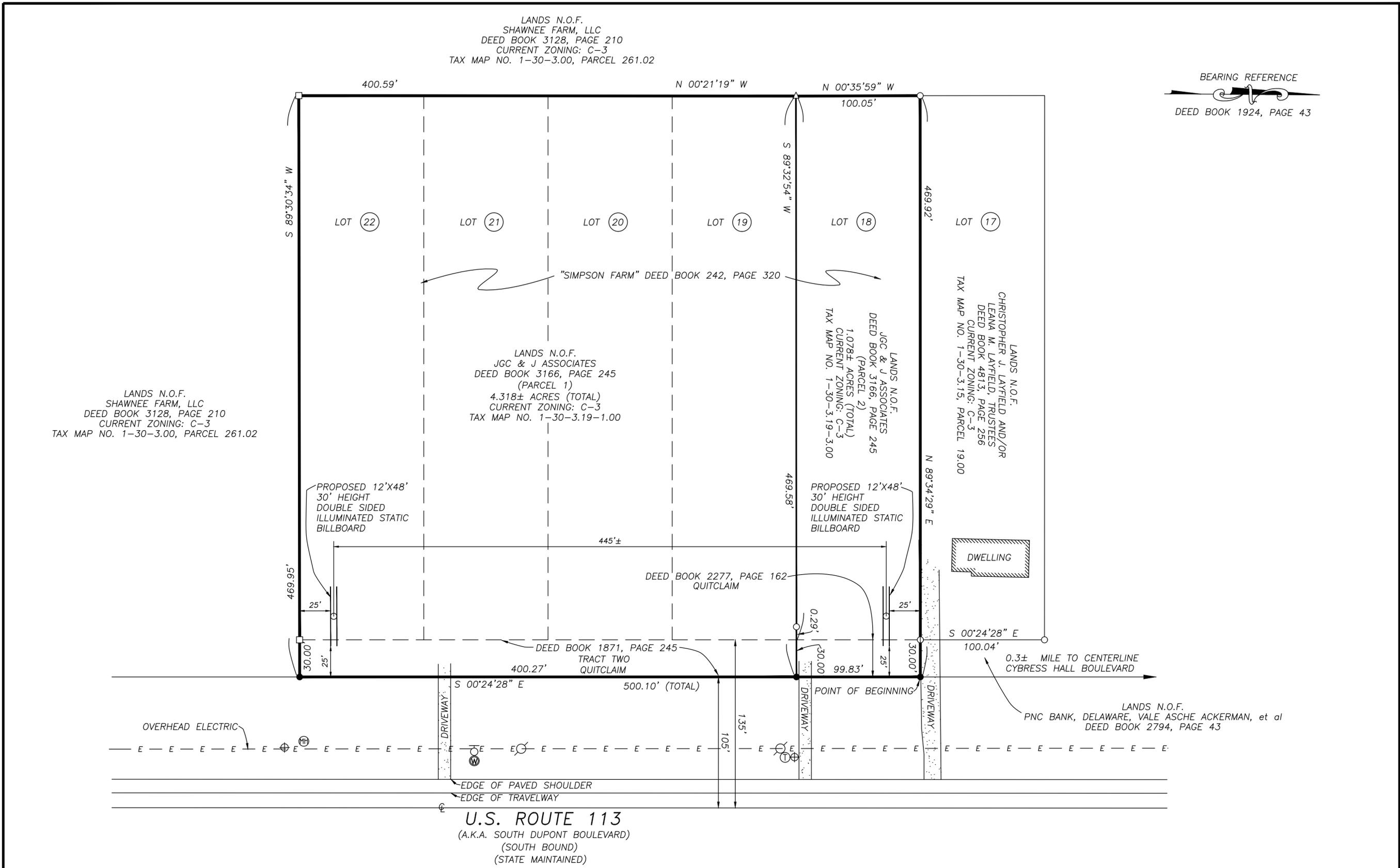
Scale: Feet
0 300 600

Drawn by: WRP Date: 08/20/18

Title:

**Conditional Use
Mispillion Realty - Billboard
Location & Zoning Map**

Filepath: ConditionalUse_MispillionRealtyBillboard.mxd



<p>NOTES:</p> <ol style="list-style-type: none"> 1) CLASS "B", SUBURBAN SURVEY 2) SOURCE OF TITLE: DEED BOOK 3166, PAGE 245 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH 4) CURRENT ZONING: C-3 5) PROPOSED BILLBOARD HEIGHT: 30' 	<p>LEGEND:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> □ FOUND CONCRETE MONUMENT ○ FOUND IRON PIPE △ FOUND NAIL IN TREE ● FOUND IRON BAR </td> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> ⊕ WATER VALVE ⊙ FIRE HYDRANT ⊕ CABLE SERVICE BOX ⊕ MANHOLE ⊕ TELEPHONE SERVICE BOX ⊕ UTILITY POLE </td> </tr> </table>	<ul style="list-style-type: none"> □ FOUND CONCRETE MONUMENT ○ FOUND IRON PIPE △ FOUND NAIL IN TREE ● FOUND IRON BAR 	<ul style="list-style-type: none"> ⊕ WATER VALVE ⊙ FIRE HYDRANT ⊕ CABLE SERVICE BOX ⊕ MANHOLE ⊕ TELEPHONE SERVICE BOX ⊕ UTILITY POLE 	<p>I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.</p> <p style="text-align: right;">R.B. KEMP, III, P.L.S. 541</p>	<p>Prepared By ADAMS-KEMP ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS AND PLANNERS 217 SOUTH RACE STREET GEORGETOWN, DELAWARE 19947 PHONE: (302) 856-6699 WWW.ADAMSKEMP.COM</p> <p>BOUNDARY SURVEY & PROPOSED BILLBOARD SIGN LOCATION PLAN</p> <p>PREPARED FOR MISPILLION REALTY, L.L.C.</p> <p>SITUATED IN CITY OF MILFORD, CEDAR CREEK HUNDRED SUSSEX COUNTY, STATE OF DELAWARE AREA: 5.388± ACRES (TOTAL) SCALE: 1" = 50' DATE: AUGUST 13, 2018, REVISED: AUGUST 15, 2018</p>
<ul style="list-style-type: none"> □ FOUND CONCRETE MONUMENT ○ FOUND IRON PIPE △ FOUND NAIL IN TREE ● FOUND IRON BAR 	<ul style="list-style-type: none"> ⊕ WATER VALVE ⊙ FIRE HYDRANT ⊕ CABLE SERVICE BOX ⊕ MANHOLE ⊕ TELEPHONE SERVICE BOX ⊕ UTILITY POLE 				

Project Statistics	Vacant Commercial Land
Site Area	5.396 Acres
Building Coverage	N/A – Vacant
Impervious Surface	100 Square Feet per Sign
Required Parking	None
Proposed Parking	None



§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
 - (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
 - (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (11) Shopping center, subject to site plan review and the following site requirements:
 - (12) Day-care centers, with site plan required.
 - (13) Car wash, all types (staffed, automatic, self-service, etc.).
 - (14) Convenience stores with gas pumps.

- (15) Community residential treatment program.
- (16) All dwellings other than single-family with a maximum density of 12 units per acre.
- (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

- (19) Aquarium.

D. Area regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.
- (5) Minimum building setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's

decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

Chapter 11 REGULATION OF OUTDOOR ADVERTISING Subchapter I General Provisions

§ 1101 Purpose and policy.

The rapid growth in the use of motor vehicles throughout this State and the concurrent extension of highways built or improved at public expense has led to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, and the safety, convenience and welfare of the inhabitants have been affected.

The regulation and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars hereinafter recited.

The people of this State would suffer economically if the State failed to participate fully in the allocation and apportionment of federal-aid highway funds since a reduction in federal-aid highway funds would necessitate increased taxation to support and maintain the state road program and system. It is, consequently, the intention of this chapter, among other things, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy relating to areas adjacent to federal-aid interstate and primary systems declared by the Congress of the United States in Title 23, United States Code.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1101; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1102 Scope and definitions.

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created by or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Commercial or industrial activities for purposes of unzoned commercial and industrial areas" means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

- a. Outdoor advertising structures;
- b. Forestry, ranching, grazing and farming including, but not limited to, wayside fresh produce stands;
- c. Transient or temporary activities;
- d. Activities more than 600 feet from the nearest edge of the right-of-way along the interstate and federal-aid primary route;
- e. Activities conducted in buildings principally used as a residence;
- f. Railroad tracks and minor sidings;
- g. Activities not visible from the main traveled way.

(2) "Controlled areas" means and includes any area inside the boundaries of this State which is adjacent to the right-of-way of a highway of the interstate or primary systems, except that areas beyond 660 feet of the right-of-way inside urban areas shall be excluded from this chapter.

(3) "Department" means the Department of Transportation.

(4) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign or sign structure.

(5) "Gateway sign" means any sign, display, or device intended for its purpose to provide information to the travelling public advising motorists that they are entering the boundaries of a political subdivision or established nonincorporated area of the State. A gateway sign may include a slogan or related graphic, or both, subject to the approval of the Department.

(6) "Information center" means an area or site established and maintained at a rest area for the purpose of informing the public of places of interest within the State and providing such other information as the Department may consider desirable.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this State, as officially designated, or as may hereafter be so designated, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(8) The "laws of this State" shall include a provision of the Constitution or statutes of the State, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(9) "Maintain" means to allow to exist in accordance with state law.

(10) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display, device, picture, emblem, trademark, figure, painting, drawing, message, placard, poster, billboard, light or other thing which is designed,

intended or used to advertise, to inform or to attract the attention of the traveling public, which is within 660 feet and visible or beyond 660 feet and visible and erected with the purpose of being read from the main traveled way of any state highway.

(11) "Primary system" means that portion of connected main highways of this State officially designated as such, or as may hereafter be designated as such, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(12) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(13) "Unzoned commercial or industrial areas" means those areas not zoned by any state, county or local ordinance or regulation on which there are located 1 or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway.

(14) "Urban areas" means and includes those areas designated as such by the Bureau of the Census and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

(15) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(16) "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation, except that those areas beyond 660 feet outside urban areas shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial in the application of this chapter.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1102; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 1, 2; 60 Del. Laws, c. 290, § 1; 61 Del. Laws, c. 262, §§ 1-6; 79 Del. Laws, c. 320, § 1.)

§ 1103 Enforcement of chapter; rules and regulations; examinations; territorial limitations.

(a) The Department shall:

(1) Enforce this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of this chapter or to enforce this chapter.

(c) This chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any incorporated city or town in this State and to those outdoor advertising signs, displays and devices situate in controlled areas within such corporate limits.

(42 Del. Laws, c. 182, §§ 2, 14; 17 Del. C. 1953, § 1103; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 7; 61 Del. Laws, c. 262, § 7.)

§ 1104 Application and issuance of permits; revocation.

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application shall contain such information as it may require. For the purpose of this subsection, each single sign panel or face shall be interpreted as constituting an outdoor advertising sign, display or device. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. No new application shall be made for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with this chapter, shall issue or renew permits for a period of at least 1 year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, that all new permits issued shall expire at the next regular renewal period established by the Department. No permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a nonresident or by a foreign corporation engaged in the business of outdoor advertising, the Department, at its discretion, as a condition to the issuance of such permit or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with this chapter.

(f) All sign permits issued under this section shall terminate and become void if the sign structure for which the permit is issued is not under construction within 6 months and is not fully constructed in full compliance with the terms of this chapter within 1 year after its issuance. Under no circumstances shall there be any refund of a permit fee which has become void.

(42 Del. Laws, c. 182, § 3; 17 Del. C. 1953, § 1104; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 8, 9; 61 Del. Laws, c. 262, §§ 8-10.)

§ 1105 Advertising identification.

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department, and, upon erection shall bear the name of the party responsible for the erection and maintenance of the sign and the Department shall make provisions for the details thereof.

(42 Del. Laws, c. 182, § 4; 17 Del. C. 1953, § 1105; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 3; 61 Del. Laws, c. 262, § 11.)

§ 1106 Removal upon expiration or revocation of permit.

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person erecting, owning, maintaining or displaying the same, or, in the event of that person's default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

(42 Del. Laws, c. 182, § 5; 17 Del. C. 1953, § 1106; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 70 Del. Laws, c. 186, § 1.)

§ 1107 Unlawful to remove or damage road markers, etc., or place advertising on highways.

(a) No person shall willfully or maliciously displace, remove, destroy or injure a mileboard, milestone, danger sign or signal, guide sign or guide post or any inscription thereon, lawfully within the right-of-way of a public highway.

(b) No person shall in any manner paint, print, place, put or affix any outdoor advertising, outdoor advertising signs, displays or devices upon or to any rock, stone, tree, fence, stump, pole, milestone, danger signal, guide sign, guide post, building or other object lawfully within the right-of-way of any public highway.

(42 Del. Laws, c. 182, § 7; 17 Del. C. 1953, § 1107; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 12.)

§ 1108 Location and condition of advertising regulated.

(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

(b) Subject to subsection (c) and subsection (d) of this section, no outdoor advertising sign, display or device, except a gateway sign or historical marker erected with the approval of the Department, shall be erected or maintained:

- (1) On the right-of-way of any public highways;
- (2) Within 25 feet of any public playground, school or church if visible from any portion of the same;
- (3) Upon the inside curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle at or approaching such crossing or intersection or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;
- (4) If such sign, display or device is obsolete or is not in good physical condition;
- (5) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(c) Subsection (a) of this section shall not apply to outdoor advertising signs, displays or devices which advertise the sale or lease of, or activities conducted upon, the real property where they are located, or any outdoor advertising signs displayed on any school bus waiting shelter located and approved by the State Department of Education.

(d) Beautification/landscape planting sponsorship signs located within the right-of-way of any public highway shall be erected or placed as defined below and as such are exempt from this chapter and section:

- (1) Signs under the above provision denoting the name of the person or persons or organization sponsoring/or donating, planting and/or maintaining beautification/landscape projects shall require an approved right-of-way use agreement issued by the Department of Transportation;
- (2) Such signs shall not exceed 6 square feet and shall be constructed, painted and lettered according to standards for material and fabrication as required by the Department of Transportation.

(42 Del. Laws, c. 182, §§ 6, 11; 17 Del. C. 1953, § 1108; 53 Del. Laws, c. 87, § 1; 55 Del. Laws, c. 407; 56 Del. Laws, c. 178; 56 Del. Laws, c. 351, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 10, 11; 61 Del. Laws, c. 262, §§ 13-15; 62 Del. Laws, c. 267, §§ 1, 2; 71 Del. Laws, c. 318, § 1; 79 Del. Laws, c. 320, § 1; 80 Del. Laws, c. 23, § 1.)

§ 1109 Forbidden advertising.

No outdoor advertising signs, displays or devices shall display copy which violates any federal or state law, or which is offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

(42 Del. Laws, c. 182, § 10; 17 Del. C. 1953, § 1109; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1110 Delaware Byways Program.

In order to provide criteria for the size, spacing and lighting of signs which effectively control the erection of outdoor advertising signs, displays and devices erected subsequent to July 14, 1969, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, the Department establishes the following criteria for use in making, publishing and enforcing regulations:

(1) In zoned commercial and industrial areas, the Department shall certify to the administrator as notice of effective control that there have been established within such areas regulations which are effective and are enforced with respect to the size, lighting and spacing of outdoor advertising signs, displays and devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply.

(2) In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

a. *Construction of signs.* —

1. The maximum area for any 1 sign shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron, supports and other structural members.

2. The area of the sign shall be computed by the sign maker utilizing the most practical method which encompasses the entire sign and this data shall be submitted to the Division of Highways upon application for permit.

3. A sign structure may contain 1 or 2 signs per facing and 2 sign facings may be placed back to back or V-type at 1 location but in no event shall the total area of any facing exceed 1,200 square feet.

4. A sign which exceeds 600 square feet in area may not be on the same sign facing with any other sign.

5. All newly erected, rebuilt or replaced sign structures shall be constructed in accordance with the applicable wind pressure standards of the local building code, or, in the absence of such requirement, shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.

b. *Spacing of signs.* —

1. *Interstate and federal aid primary highways.* — Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic. Except for roof signs, wall signs and free standing signs against the wall of a building, no ground sign shall be placed within 35 feet of either highway right-of-way at an intersection where they converge, unless the base of such sign shall be at least 8 feet above ground level or road bed, whichever is higher.

2. *Interstate highways and controlled access highways on the federal aid primary system.* —

A. No 2 structures shall be spaced less than 500 feet apart.

B. Outside of incorporated cities and towns, no structure may be located within 500 feet of an interchange, intersection at grade, rest area or information center (measured along the interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. *Noncontrolled access federal aid primary highways.* —

A. Outside of incorporated cities and towns, no 2 structures shall be spaced less than 300 feet apart.

B. Within incorporated cities and towns, no 2 structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only 1 sign facing located within the above spacing distances is visible from the highway at any 1 time.

5. Official and "on premise" signs, as defined in subsection (c) of § 131 of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

6. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

c. *Lighting.* — Signs may be illuminated, subject to the following restrictions.

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or traffic conditions, or as defined in paragraph (2)c.5. of this section.

2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of an interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

3. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic control device such as a sign or signal.

4. All lighting is subject to any other provisions of law relating to the lighting of signs presently applicable to all highways under the jurisdiction of the State.

5. Notwithstanding the provisions of paragraphs (2)c.1. through (2)c.4. of this section, signs commonly known as variable message signs may be changed at intervals by electronic or mechanical process or remote control, and are permitted within 660 feet of the edge of the right-of-way of any interstate or federal-aid primary highway so designated as of June 1, 1991, and of the National Highway System. These variable message signs are permitted, except as prohibited by local ordinance or zoning regulation or by the Delaware federal-state outdoor advertising agreement of May 1, 1968, and are not considered to be in violation of flashing, intermittent, or moving lights criteria provided that:

A. Each message remains fixed for a minimum of at least 10 seconds.

B. When the message is changed, it must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

C. A variable message sign along the same roadway and facing in the same direction of travel may not be placed, as measured along the centerline of the roadway, within 2,500 feet of another variable message sign, or within 500 feet of a static billboard sign regulated by this section, or within 1,000 feet of an interchange, interstate junction of merging or diverging traffic, or an at-grade intersection.

D. A variable message sign must contain a default design that will freeze the sign in 1 position if a malfunction occurs or, in the alternative, that will shut down.

E. A variable message sign may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period. A variable message sign must appropriately adjust display brightness as ambient light levels change.

F. A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likenesses of official traffic control devices is prohibited.

G. A sign may not be placed along designated Delaware byways.

d. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this chapter. At any time that a political subdivision adopts regulations which include the size, lighting and spacing of outdoor advertising, the State shall so certify to the administrator and control of outdoor advertising in commercial or industrial areas will transfer to paragraph (1) of this section.

(17 Del. C. 1953, § 1110; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 3-6; 60 Del. Laws, c. 290, § 2; 61 Del. Laws, c. 262, § 16; 76 Del. Laws, c. 144, § 1; 77 Del. Laws, c. 367, § 1.)

§ 1111 Public nuisance; abatement.

(a) Any outdoor advertising sign, display or device which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after 30 days' written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which the sign, display or device is located. All costs incurred by the Department in abating a nuisance pursuant to this section shall be the responsibility of the owner of the sign, display or device and the Department shall have an action at law to recover such costs, as well as the expenses of suit.

When any sign is damaged, or falls into disrepair to the extent that obvious repairs are needed, the owner shall be notified in writing by the Department to make all necessary repairs. If the sign is not repaired, rebuilt or removed within 30 days of the notification, the applicable sign permit shall lapse and become null and void.

(b) Any person, business or company which knowingly paints, builds and erects or maintains an outdoor advertising sign without a permit shall be in violation of the chapter.

(c)(1) Any outdoor advertising sign, display or device which is erected or maintained in violation of § 1108(b)(1) of this title shall be subject to immediate removal and the other enforcement provisions of § 525 of this title, without regard to the clear zone distance limitations of that section.

(2) Paragraph (c)(1) of this section shall not apply during the 30-day period immediately preceding and the 30-day period after an election administered pursuant to Title 15, in those election districts affected by such election or elections.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1111; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 12; 60 Del. Laws, c. 290, §§ 4, 5; 75 Del. Laws, c. 98, § 124.)

§ 1112 Injunctive relief.

The Department or any taxpayer may maintain an action for an injunction to restrain any violation or threatened violation of this chapter or of any regulation lawfully adopted pursuant thereto.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1112; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1113 Penalties.

Whoever violates this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than \$10 nor more than \$50.

Each day that a violation is allowed to continue after 30 days' written notice of its existence shall constitute a separate offense.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1113; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1114 Signs excepted from provisions of this subchapter.

The classes of signs described below are excepted from all provisions of this subchapter other than the provisions of § 1103(a)(2) insofar as those provisions may be implemented by regulations controlling and restricting outdoor advertising signs, displays and devices in controlled areas:

- (1) Outdoor advertising signs, displays and devices 32 square feet or less erected or maintained upon real property and placed on the premises to identify a business conducted thereon.
- (2) Outdoor advertising signs, displays and devices (containing 12 square feet or less in areas zoned residential or 32 square feet or less in areas zoned otherwise) upon real property stating that the property, or a part thereof, is for sale or for rent.
- (3) A notice or advertisement required by law in any legal proceeding or put upon the property by public authority.
- (4) A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.
- (5) Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.
- (6) Any sign containing 6 square feet or less and directing travelers to any town, village, city, historical site or attractions, provided the same is maintained at public expense.
- (7) Nonofficial signs displayed on transit shelters under contracts approved by the Department.

(42 Del. Laws, c. 182, § 8; 17 Del. C. 1953, § 1114; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 6; 61 Del. Laws, c. 262, §§ 17, 18; 63 Del. Laws, c. 178, §§ 1, 2; 71 Del. Laws, c. 318, §§ 2, 3.)

§§ 1115 -1119. [Reserved.]

§ 1120 Severability.

If any exception, section, part, phrase, or provision of this chapter or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the exception, section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the remainder of this chapter or the application thereof.

(71 Del. Laws, c. 318, § 4.)

Subchapter II

Areas Adjacent to Highways of the Interstate and Primary Systems

§ 1121 Limitations of outdoor advertising in controlled areas.

Subject to § 1122 of this title, no outdoor advertising sign, display or device, any part of the advertising, informative or attention attracting contents of which is visible from the main traveled way of a highway of the interstate system or primary system, shall be erected or maintained within a controlled area, unless it shall come within 1 or more of the following categories:

- (1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by the laws of this State;
- (2) Signs, displays and devices advertising the sale or lease of the real property upon which they are located;
- (3) Signs, displays and devices advertising activities conducted on the real property upon which they are located;
- (4) Signs, displays and devices located either:
 - a. In controlled areas adjacent to the interstate system and within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property is subject to municipal regulation and control, which are zoned industrial or commercial; or
 - b. In other controlled areas adjacent to the interstate system zoned industrial or commercial which were zoned industrial or commercial as of September 21, 1959;
- (5) Signs, displays and devices located in controlled areas adjacent to highways of the primary system which are zoned industrial or commercial;
- (6) Signs, displays and devices located in unzoned commercial and industrial controlled areas adjacent to highways of the primary system and defined by regulations to be promulgated by the Department;
- (7) Any school bus waiting shelter displaying a sign provided such sign does not exceed 32 square feet in area and with a limit of 2 signs per shelter. Should the State Department of Education determine that there is no longer a need for a waiting shelter at its present location, the exemption provided by this paragraph shall then terminate.

Such outdoor advertising signs, displays and devices as are permitted in controlled areas under this section shall be erected and maintained only in conformity with such applicable regulations as may be promulgated by the Department under § 1103 of this title.

(17 Del. C. 1953, § 1121; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 13; 61 Del. Laws, c. 262, §§ 19-21; 71 Del. Laws, c. 318, § 5.)

§ 1122 Removal of nonconforming advertising; fair compensation.

(a) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

- (1) Those lawfully in existence on July 14, 1969;
- (2) Those lawfully on any highway made a part of the interstate or federal-aid primary system on or after July 14, 1969; and
- (3) Those lawfully erected on or after July 14, 1969.

(b) The Department is authorized to acquire the necessary right in and to property and is directed to pay compensation therefor in the same manner as with other property acquired for state highway purposes with respect to the foregoing outdoor advertising signs, displays and devices. The compensation to be paid shall be for the following:

- (1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display and device; and
- (2) The taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays or devices thereon. Notwithstanding these provisions, no rights in and to property shall be acquired with respect to any outdoor advertising sign, display or device except to the extent that federal funds authorized to be appropriated pursuant to the federal Highway Beautification Act of 1965, as amended, to reimburse the State for 75% of the cost thereof, are in fact appropriated and allocated to the State for that purpose.

(17 Del. C. 1953, § 1122; 57 Del. Laws, c. 276.)

§ 1123 Advertising in rest areas.

In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at rest areas and to establish information centers in such areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, provided, however, that no such information centers shall be established within controlled areas adjacent to the interstate system without the approval of the Secretary of Transportation of the United States.

(17 Del. C. 1953, § 1123; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 22.)

§ 1124 Signs, displays and devices providing information for the traveling public; location.

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained, pursuant to agreement between the Department and the Secretary of Transportation of the United States, within the right-of-way of highways of the interstate system, at appropriate distances from interchanges on such systems.

(17 Del. C. 1953, § 1124; 57 Del. Laws, c. 276.)

§ 1125 Agreements with federal government or agencies.

The Department may enter into agreements, consistent with this chapter, with the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas and take action in the name of the State to comply with the terms of such agreements.

The Department may accept allotment of funds by the United States, or any department or agency thereof, authorized by the Federal-Aid Highway Act of 1958, or any subsequent legislation supplementary to or amending such Act, in connection with any agreement entered into by the Department and the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas adjacent to the interstate and/or primary system.

(17 Del. C. 1953, § 1125; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 23.)

§ 1126 Relationship of subchapter to other provisions of chapter.

The provisions of this subchapter relating to the regulation of outdoor advertising in controlled areas are in addition to, and not in lieu of, subchapter I of this chapter.

(61 Del. Laws, c. 262, § 24.)

Subchapter III

Limited Access, State Toll Roads

§ 1131 Limitations of outdoor advertising along limited access, state toll roads.

The provisions of subchapter II of this chapter shall be applicable to any limited access, state toll road in this State.

(68 Del. Laws, c. 417, § 1.)

§ 1132 Sign limitations on state toll highways.

(a) Notwithstanding any other provisions of this Code to the contrary, variable message signs (VMS) may not be erected or placed, facing in the same direction of travel, and directed toward and able to be read by travelers along state toll highways, within 1,000 feet of any toll highway listed in subsection (c) of this section, except for those signs installed within the rights-of-way of a toll highway for official Department use.

(b) As used in this section, "variable message sign" ("VMS") means a sign or portion of a sign on which the message copy includes characters, letters, or illustrations that can be changed or rearranged electronically or mechanically without touching or physically altering the primary surface of the sign. Message copy for a VMS may be changed in the field or from a remote location.

(c) The provisions of this section apply to the following: the portion of State Route 1 running from the point at which it merges with U.S. Route 13 below State Route 71 to the point where it merges with the southbound on-ramp of State Route 9.

(78 Del. Laws, c. 138, § 1.)

City of Milford

Notice of Ordinance Review

ORDINANCE 2018-23

CHAPTER 204-TAXATION

Whereas, tax revenues are essential to the City's ability to provide quality services to its residents and to finance government operations, for the health and welfare of the City of Milford and those who live, work and visit here; and

Whereas, residents and property owners benefit from public services though still need relief from the full financial burden of those programs; and

Whereas, while the full cost of these programs is not covered by the fees and real estate taxes collected, it is necessary to find local supplemental revenues to continue providing services that are essential to the health, safety, welfare and economic well-being of our residents, businesses and property tax payers, as well as those visiting the City of Milford; and

Whereas, the City Council finds it in the public interest of the City of Milford to enact a local lodging tax of three (3) percent, the proceeds of which can be utilized as General Fund dollars to support such services as police, fire and parks, as well as planning, economic development and administrative support; and

Whereas, in accordance with 22 Del. C. §811, an Ordinance amending the Charter of the City of Milford and permitting a local lodging tax, was approved by the City Council of the City of Milford on June 11, 2018 and signed into State law by Governor John Carney effective September 4, 2018; and

Whereas, the City Council wish to Amend Chapter 204 of the Code of the City of Milford relating to Taxation.

Section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD:

The Council of the City of Milford, by duly enacted ordinance, hereby levies a local lodging tax of three (3) percent of the rent, in addition to the amount imposed by the State of Delaware, for any room or rooms in a hotel, motel or tourist home, as defined in § 6101 of Title 30, that are located within the boundaries of the City of Milford, in the form and manner as follows:

Section 2.

Amend Chapter 204 of the Code of the City of Milford by adding a new Article V entitled 'Local Lodging Tax' to read as follows:

Article V. LOCAL LODGING TAX

§204-13 – Local Lodging Tax.

- (A) A local lodging tax is hereby levied of three (3) percent of the cost of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel or tourist home within the boundaries of the City of Milford, and as defined in 30 Del. C. §6101.
- (B) The local lodging tax, pursuant to this ordinance, is the responsibility of the occupant of the room and shall be collected at the time the rental is paid. Operators of the hotel, motel or tourist home are responsible for the collection of the local lodging tax and the remittance of the taxes to the City of Milford within 20 days after the end of each calendar month, in accordance with procedures established by the City Manager and using forms designated by the City Finance Department. The tax imposed shall be shown on the billing to the occupant as a separate and distinct item.
- (C) No local lodging tax pursuant to this ordinance shall be collected for reservations or contracts for lodging executed or completed before January 1, 2019.

SYNOPSIS

There is imposed and assessed a local lodging tax at the rate of 3% of the rent upon every occupancy of a room or rooms in a hotel, motel or tourist home within the City of Milford, to be paid by the occupant.

Section 3.	Dates.
Introduction:	October 8, 2018
Adopted:	October 22, 2018
Effective:	January 1, 2019

City of Milford Notice of Ordinance Adoption

NOTICE IS HEREBY GIVEN that during a Meeting of Milford City Council on October 9, 2018, the following ordinance was adopted:

CITY OF MILFORD
ORDINANCE 2018-27

Electric Rules and Regulations Including the Electric Tariff

APPENDIX B ELECTRIC RULES AND REGULATIONS

WHEREAS, the purpose of Appendix B of the Code of the City of Milford is to establish Rules and Regulations for the distribution and delivery of electric service to the City of Milford's electric system; and

WHEREAS, Appendix B, accompanied by the Tariff, provides the charges and rates for electric services; and

WHEREAS, Appendix B governs all Classes of Service unless otherwise stated as a Service Classification, or as modified by a City's approved rider or other written contract; and

WHEREAS, it is hereby ordered that Residential Electric Rates, in Year Two and Year Three, be modified, by decreasing Summer Rates and increasing Winter Rates, to align with the recommendation contained in the UFS study presented to City Council during a workshop session on May 8, 2017; and

WHEREAS, seasonal provisions remain unchanged with Summer Rates in effect June to September and Winter Rates in effect October to May; and

WHEREAS, residential accounts will reflect credit as a result of the decrease in 2018 Summer Rates.

THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Paragraph 3 MONTHLY RATES shown in Section 24-2(3) RES-RESIDENTIAL SERVICE SCHEDULE is hereby amended by striking language (rates only) indicated by strikethrough and adding language shown as bold and underlined and highlighted:

SERVICE CLASSIFICATIONS

24-2. RES—RESIDENTIAL SERVICE SCHEDULE

3. MONTHLY RATES

RATES	Year 1	Year 2	Year 3
Monthly Facilities Charge:			
All Customers	\$ 8.00	\$ 12.00	\$ 16.00
Energy Charge:			
Winter*			
Winter Block 1 (0 - 5 kWh)	\$ 0.12251	\$ 0.11164 \$ 0.11825	\$ 0.10351 \$ 0.11587
Winter Block 2 (6 - 2,500 kWh)	\$ 0.12251	\$ 0.11164 \$ 0.11825	\$ 0.10351 \$ 0.11587
Winter Block 3 (Excess)	\$ 0.13451	\$ 0.12364 \$ 0.13025	\$ 0.11551 \$ 0.12787
Summer**			
Summer Block 1 (0 - 5 kWh)	\$ 0.13251	\$ 0.14251 \$ 0.12825	\$ 0.15251 \$ 0.12587
Summer Block 2 (6 - 2,500 kWh)	\$ 0.13251	\$ 0.14251 \$ 0.12825	\$ 0.15251 \$ 0.12587
Summer Block 3 (Excess)	\$ 0.14451	\$ 0.15451 \$ 0.14025	\$ 0.16451 \$ 0.13787

*October through May

**June through September

Section 2. Dates:

Introduced October 8, 2018

Adopted October 9, 2018

Effective October 19, 2018

City of Milford Electric Rate Design

Mark Beauchamp, CPA, CMA, MBA
President
Utility Financial Solutions
616-393-9722

Objectives

- Review Rate Track
- Review Cost of service results
 - Cost to service each class of customers
 - Monthly Customer Charges
- Review Rate Designs

Rate Track

Fiscal Year	Projected Rate Adjustments	Debt Coverage Ratio	Projected Expenses	Projected Revenues	Adjusted Operating Income	Target Operating Income	Projected Cash Balances	Recommended Minimum Cash
2018	-3.0%	6.19	\$24,378,015	\$ 25,553,279	\$ 1,175,263	\$ 810,849	\$ 5,258,216	\$ 4,732,677
2019	0.0%	5.71	24,702,326	25,721,930	1,019,605	835,173	6,007,808	4,777,493
2020	1.5%	6.59	24,994,147	26,280,070	1,285,923	859,547	7,063,571	4,816,739
2021	1.5%	6.17	25,755,313	26,850,322	1,095,009	884,033	7,969,944	4,907,484
2022	1.5%	5.72	26,538,580	27,432,947	894,366	908,673	8,716,607	5,003,744

Electric Cost of Service Results

Customer Class	Cost of Service	Projected Revenues	% Change
Residential Service (RES)	\$ 9,154,781	\$ 9,770,811	-6.3%
Small General Service (SGS)	1,224,605	1,312,794	-6.7%
City Lighting	120,476	86,266	39.7%
Security Lighting	24,029	27,605	-13.0%
Medium General Service (MGS)	4,841,417	4,898,582	-1.2%
Large General Service (LGS)	768,587	820,401	-6.3%
General Service Primary Voltage (GSP)	3,338,532	3,617,760	-7.7%
Special Contract Service (SCS)	5,174,792	5,253,547	-1.5%
City Accounts	356,658	365,112	-2.3%
Total	\$ 25,003,877	\$ 26,152,877	-4.4%

Monthly Charge

Customer Class	COS Customer Charge	Current Average Customer Charge
Residential Service (RES)	\$ 16.63	\$ 4.00
Small General Service (SGS)	23.37	6.00
Medium General Service (MGS)	75.67	7.00
Large General Service (LGS)	152.78	18.00
General Service Primary Voltage (GSP)	286.89	21.00
Special Contract Service (SCS)	385.99	-

Rate Design

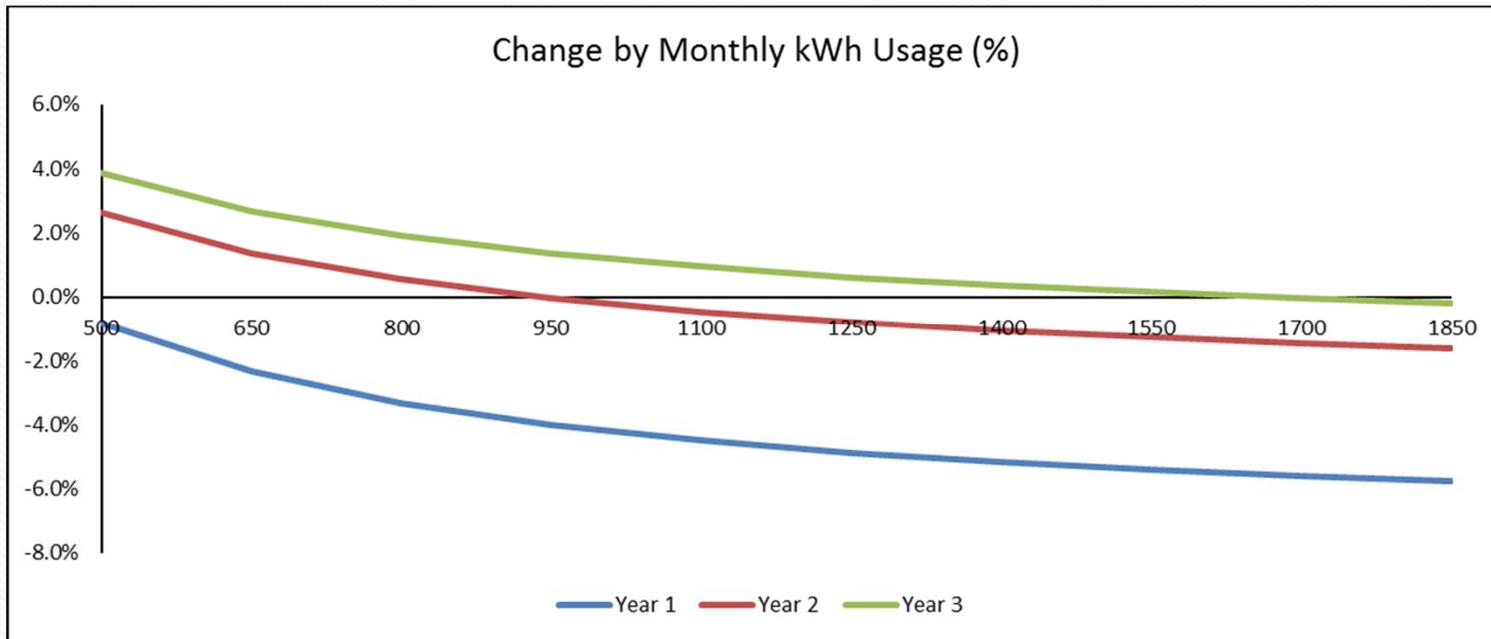
- Rate Design
 - Year 1 - 2% bandwidth (-3% rate change)
 - Largest decrease 5%
 - Smallest decrease 1%
 - Year 2 – 0.5% bandwidth (0% Rate Change)
 - Largest increase 0.5%
 - Largest decrease 0.5%
 - Year 3 – 1% bandwidth (1.5% Rate Change)
 - Largest increase 2.5%
 - Smallest increase 0.5%

Residential Rate

- Annual customer charge increase
- Reduced energy
- Merge blocks 1 and 2

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 4.00	\$ 8.00	\$ 12.00	\$ 16.00
Energy Charge:				
Winter				
Winter Block 1 (0 - 5 kWh)	\$ -	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 2 (6 - 2,500 kWh)	\$ 0.12800	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 3 (Excess)	\$ 0.14000	\$ 0.13451	\$ 0.13025	\$ 0.12787
Summer				
Summer Block 1 (0 - 5 kWh)	\$ -	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 2 (6 - 2,500 kWh)	\$ 0.13800	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 3 (Excess)	\$ 0.15000	\$ 0.14451	\$ 0.14025	\$ 0.13787
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Change from Previous	\$ -	-4.1%	-0.2%	1.2%

Residential Change (%) by Usage



Residential Change Monthly \$ by Usage

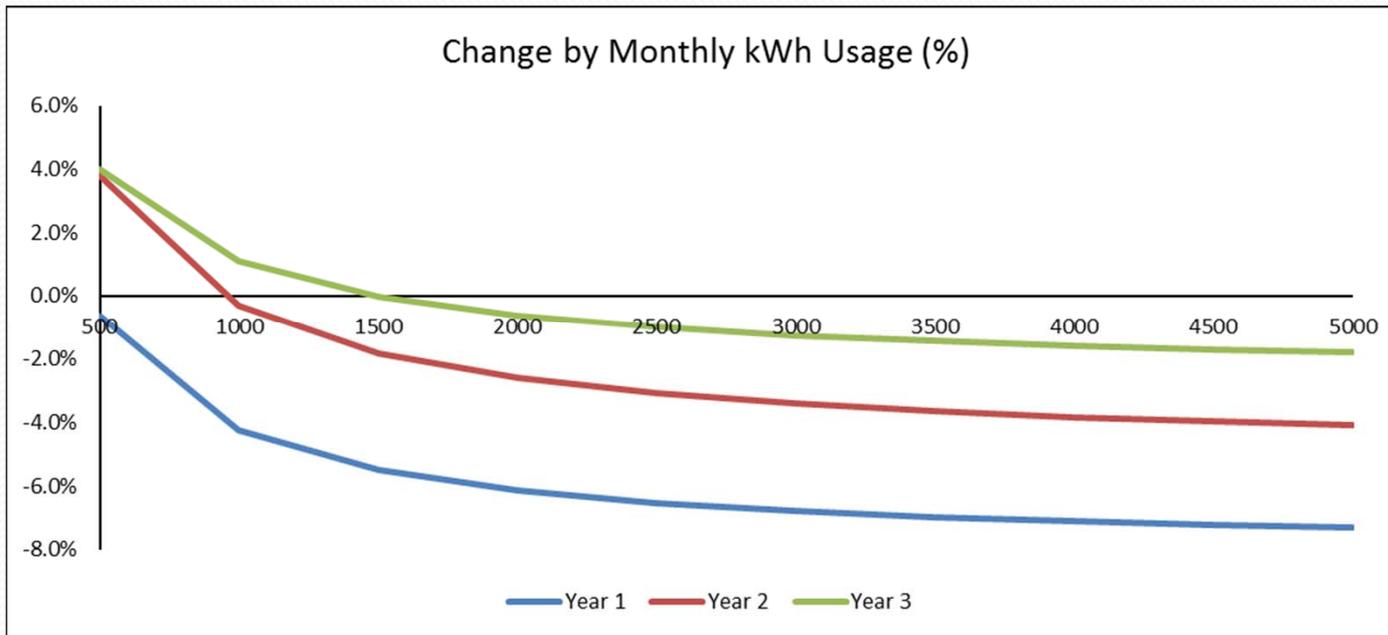
Usage	Change in Monthly Bill		
	Year 1	Year 2	Year 3
500 \$	(0.59) \$	1.87 \$	2.81
650 \$	(2.16) \$	1.24 \$	2.45
800 \$	(3.74) \$	0.60 \$	2.09
950 \$	(5.31) \$	(0.04) \$	1.73
1100 \$	(6.89) \$	(0.68) \$	1.38
1250 \$	(8.46) \$	(1.32) \$	1.02
1400 \$	(10.04) \$	(1.95) \$	0.66
1550 \$	(11.61) \$	(2.59) \$	0.30
1700 \$	(13.18) \$	(3.23) \$	(0.06)
1850 \$	(14.76) \$	(3.87) \$	(0.41)

Small General Rate

- Annual customer charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 6.00	\$ 11.50	\$ 18.00	\$ 23.00
Energy Charge:				
Winter Energy	\$ 0.14000	\$ 0.13297	\$ 0.12601	\$ 0.12264
Summer Energy	\$ 0.15000	\$ 0.14297	\$ 0.13601	\$ 0.13264
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Change from Previous		-4.1%	-0.2%	1.2%

Small General Change (%) by Usage



Small General Change Monthly \$ by Usage

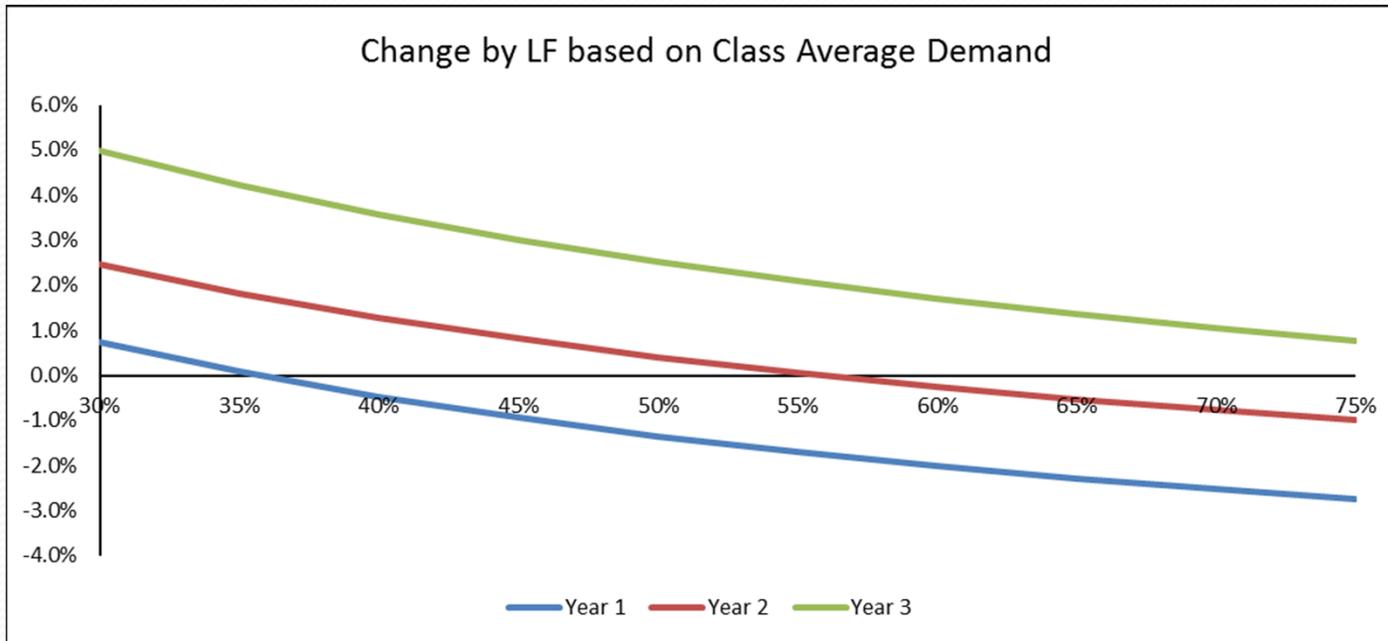
Usage	Change in Monthly Bill		
	Year 1	Year 2	Year 3
500 \$	(0.52) \$	3.02 \$	3.31
1000 \$	(6.53) \$	(0.46) \$	1.63
1500 \$	(12.55) \$	(3.93) \$	(0.06)
2000 \$	(18.56) \$	(7.41) \$	(1.75)
2500 \$	(24.58) \$	(10.89) \$	(3.43)
3000 \$	(30.60) \$	(14.37) \$	(5.12)
3500 \$	(36.61) \$	(17.84) \$	(6.81)
4000 \$	(42.63) \$	(21.32) \$	(8.50)
4500 \$	(48.64) \$	(24.80) \$	(10.18)
5000 \$	(54.66) \$	(28.28) \$	(11.87)

Medium General Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 7.00	\$ 20.00	\$ 40.00	\$ 75.00
Energy Charge:				
Winter Energy	\$ 0.0700	\$ 0.0698	\$ 0.0660	\$ 0.0627
Summer Energy	\$ 0.0800	\$ 0.0798	\$ 0.0760	\$ 0.0727
Demand Charge:				
Winter Demand	\$ 10.50	\$ 11.25	\$ 12.25	\$ 13.25
Summer Demand	\$ 13.95	\$ 14.80	\$ 14.80	\$ 14.80
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-1.2%	0.3%	1.9%

Medium General Change (%) by Load Factor

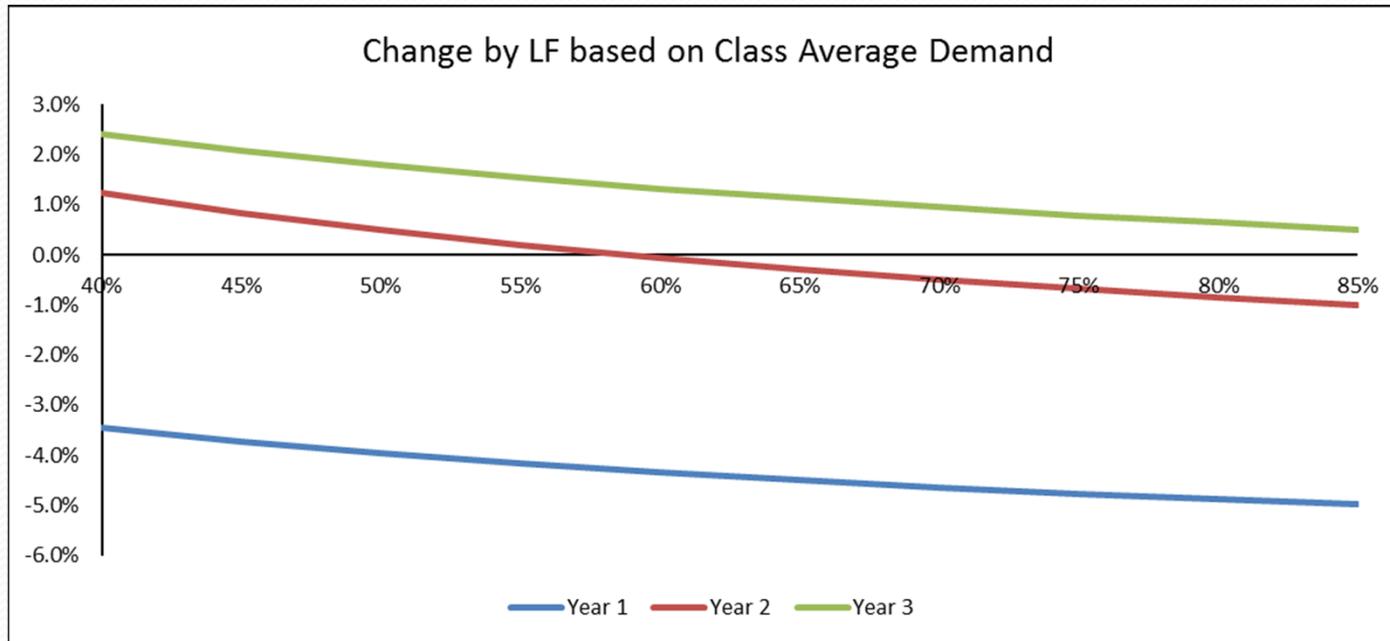


Large General Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 18.00	\$ 50.00	\$ 100.00	\$ 150.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.50	\$ 10.75	\$ 11.75	\$ 12.75
Summer Demand	\$ 13.00	\$ 13.25	\$ 14.25	\$ 15.25
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-4.4%	-0.2%	1.2%

Large General Change (%) by Load Factor

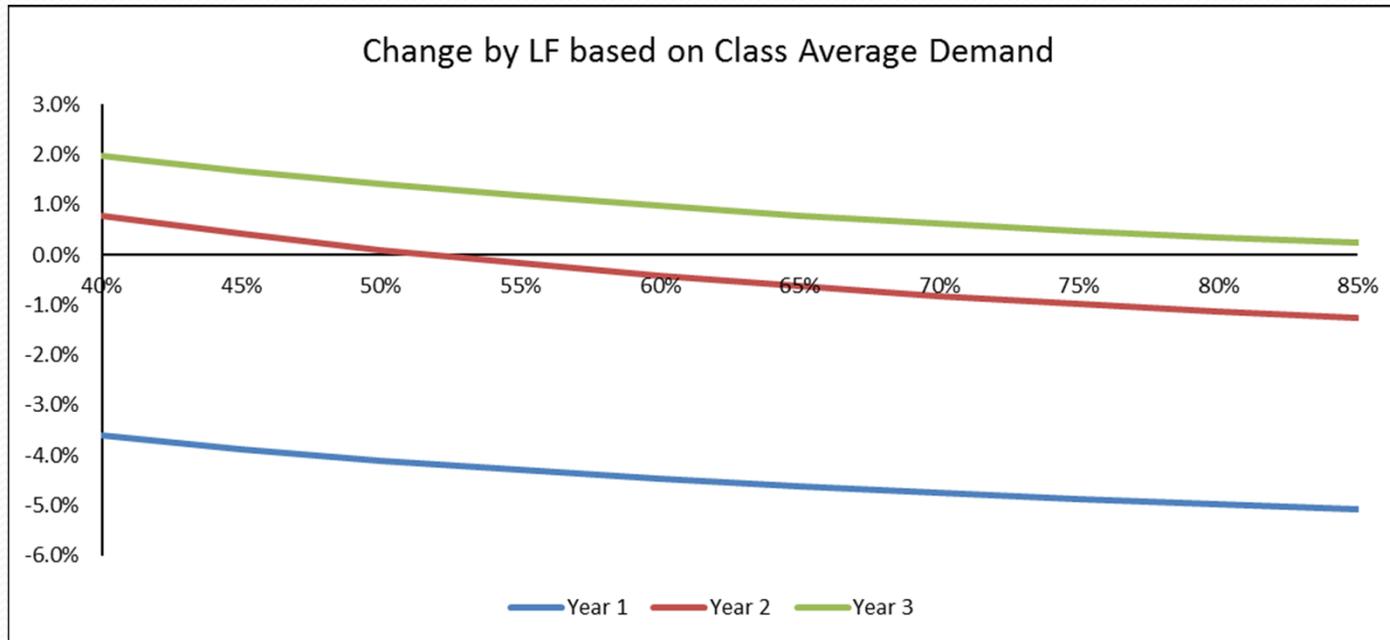


General Service Primary Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 21.00	\$ 225.00	\$ 250.00	\$ 290.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.55	\$ 10.55	\$ 11.62	\$ 12.62
Summer Demand	\$ 12.00	\$ 12.00	\$ 13.12	\$ 14.29
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-4.4%	-0.3%	1.1%

General Service Primary (%) Change by Load Factor

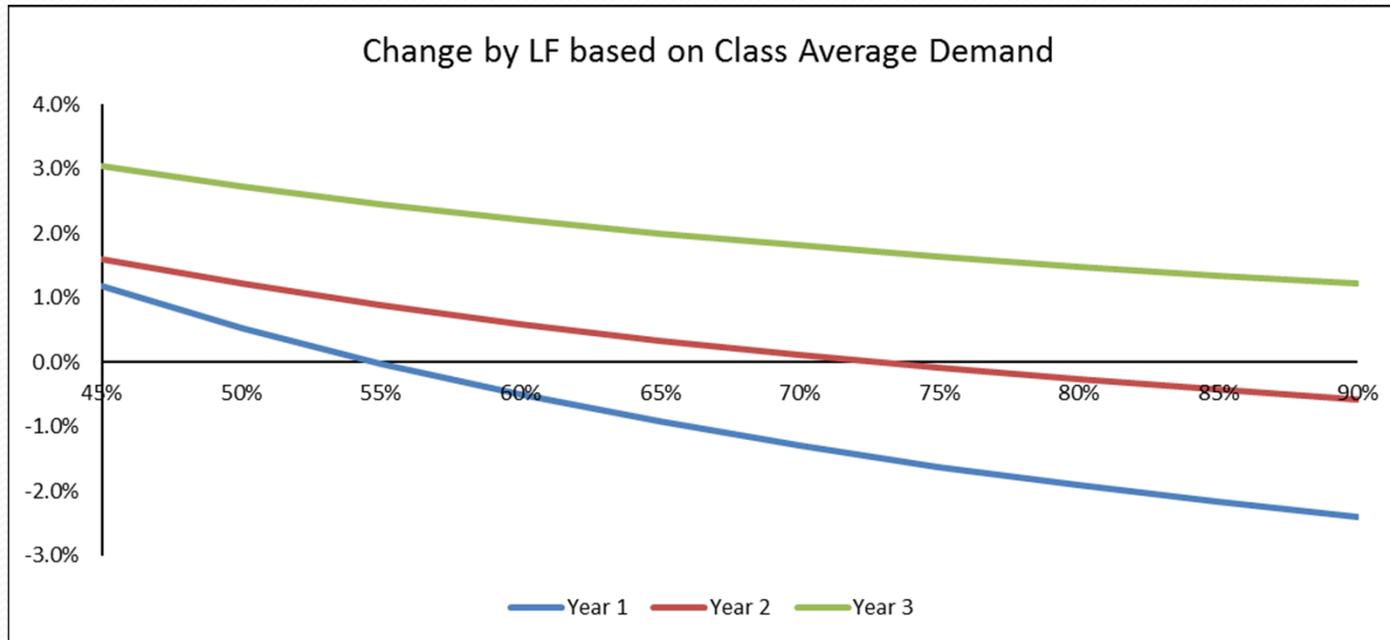


Special Contract Service Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ -	\$ 385.00	\$ 385.00	\$ 385.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0767	\$ 0.0756
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0667	\$ 0.0656
Demand Charge:				
Winter Demand	\$ 7.00	\$ 9.00	\$ 10.50	\$ 12.00
Summer Demand	\$ 8.00	\$ 10.17	\$ 11.46	\$ 12.68
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -

Special Contract Service (%) Change by Load Factor



City of Milford

Notice of Ordinance Review

NOTICE IS HEREBY GIVEN the following Ordinance is under consideration by Milford City Council and has been placed on the agenda dates announced in Section 6, in accordance with Section 1.04 of the Charter of the City of Milford:

ORDINANCE 2018-28

An Ordinance Annexing a 6.5+/- acre Industrial Parcel at
20167 Elks Lodge Road, Lincoln, DE, owned by the City of Milford
Tax Map 3-30-15.00-058.02

WHEREAS, the City of Milford has been requested to annex the lands set forth in Exhibit A, attached hereto, by the owner of the area proposed to be annexed; and

WHEREAS, on October 16, 2018, the Planning Commission reviewed the annexation petition and zoning request; and

WHEREAS, the requested annexation and zoning complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, the Council of the City of Milford desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The present boundary of the City of Milford, as presently established, is hereby extended to include by annexation all that certain tract of land consisting of 6.5+/- acres, as the same is shown on a plan denoted Exhibit A, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. The hereinto described 6.5+/- acre parcel of land is hereby zoned I-S Institutional Service District.

Section 4. Said area thus annexed is hereby included in the geographical and political subdivision of the City of Milford known as Ward 1.

Section 5. The City Planner is hereby directed to secure the description and plot of the territory to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware, in accordance with the Charter of the City of Milford.

Section 6. This ordinance, introduced on the 8th day of October, 2018, is hereby adopted by an affirmative vote of at least two-thirds of the members of City Council this 22nd day of October 2018.

SEAL

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



Land Use Application Cover Sheet

File Name: COM Electric Substation
 File Number: 16-004

Date Stamp
06-30-16
CC

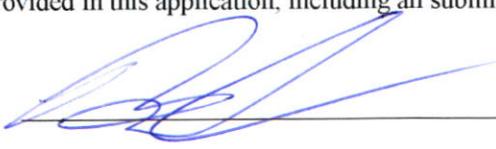
Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner(s): <u>City of Milford</u>			Phone: <u>302 424 3712</u>
Address: <u>201 S. Walnut St</u>			Cell:
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail:			
Applicant Name and Company:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: <u>2016⁷ Elks Lodge Road</u>			Zoning: <u>AP-1</u>
Tax Map & Parcel Number(s): <u>3-30-15.00-58.02</u>			Acreage: <u>6.5</u>
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner(s): 			Date: <u>06/27/2016</u>
Signature of Applicant(s): _____			Date: _____
Office Use Only:			
<input type="checkbox"/> Current on Utilities <u>N/A</u>	<input type="checkbox"/> Current on Taxes <u>N/A</u>	<input type="checkbox"/> No Outstanding Violations <u>N/A</u>	

REVISED: 05.2016



Annexation Application

File Name: COM Electric Substation
 File Number: 16-004

Date Stamp: 06.30.16
cc

A Land Use Application for Annexation is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Current County Zoning: AR-1 Requested Zoning: IS Comprehensive Plan Designation: N/A # Employment Center

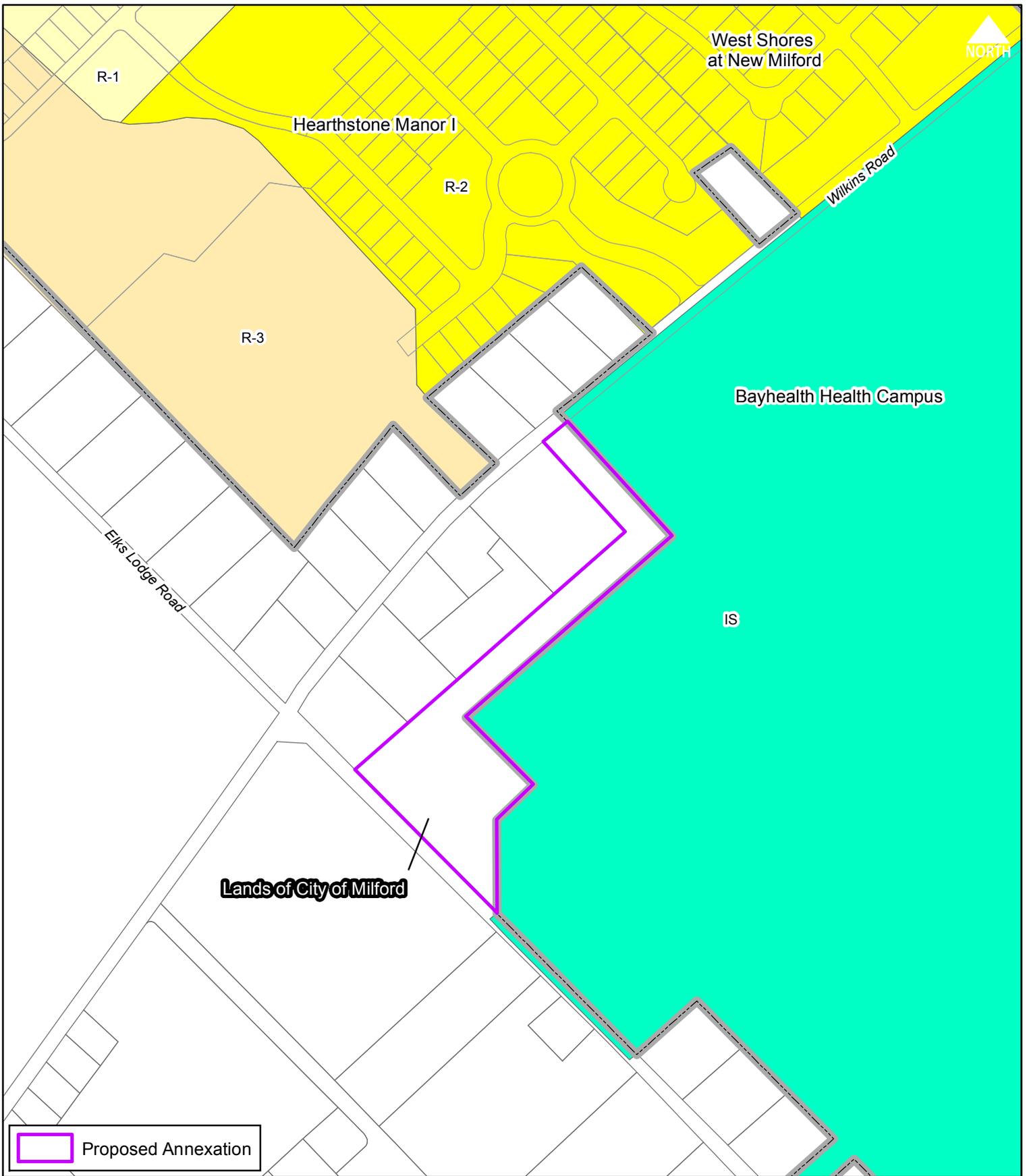
REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:		
	A. Site address;		
	B. Tax map number (s);		
	C. Size of property in acres;		
	D. Reasons for request;		
	E. General location description (proximity to closest roadways, streets and intersections).		
<input checked="" type="checkbox"/>	3. A full legal description of the property in Word format.		
<input checked="" type="checkbox"/>	4. Current recorded deed showing legal description and ownership.		
<input type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:		
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;		
	B. Date, scale and north arrow;		
	C. Existing right-of-ways and improvements;		
	D. Existing utilities;		
	E. Existing natural features;		
	F. Existing structures and other improvements;		
	G. All structures, natural features and other improvements on abutting property.		
<input type="checkbox"/>	6. Application fee (see page 2).		<input checked="" type="checkbox"/>

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

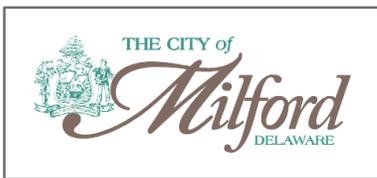
Signature of Property Owner: [Signature] Date: 06/27/2016
 Signature of Applicant: _____ Date: _____

FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REvised: 01.2014



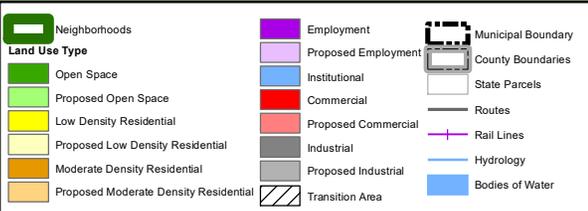
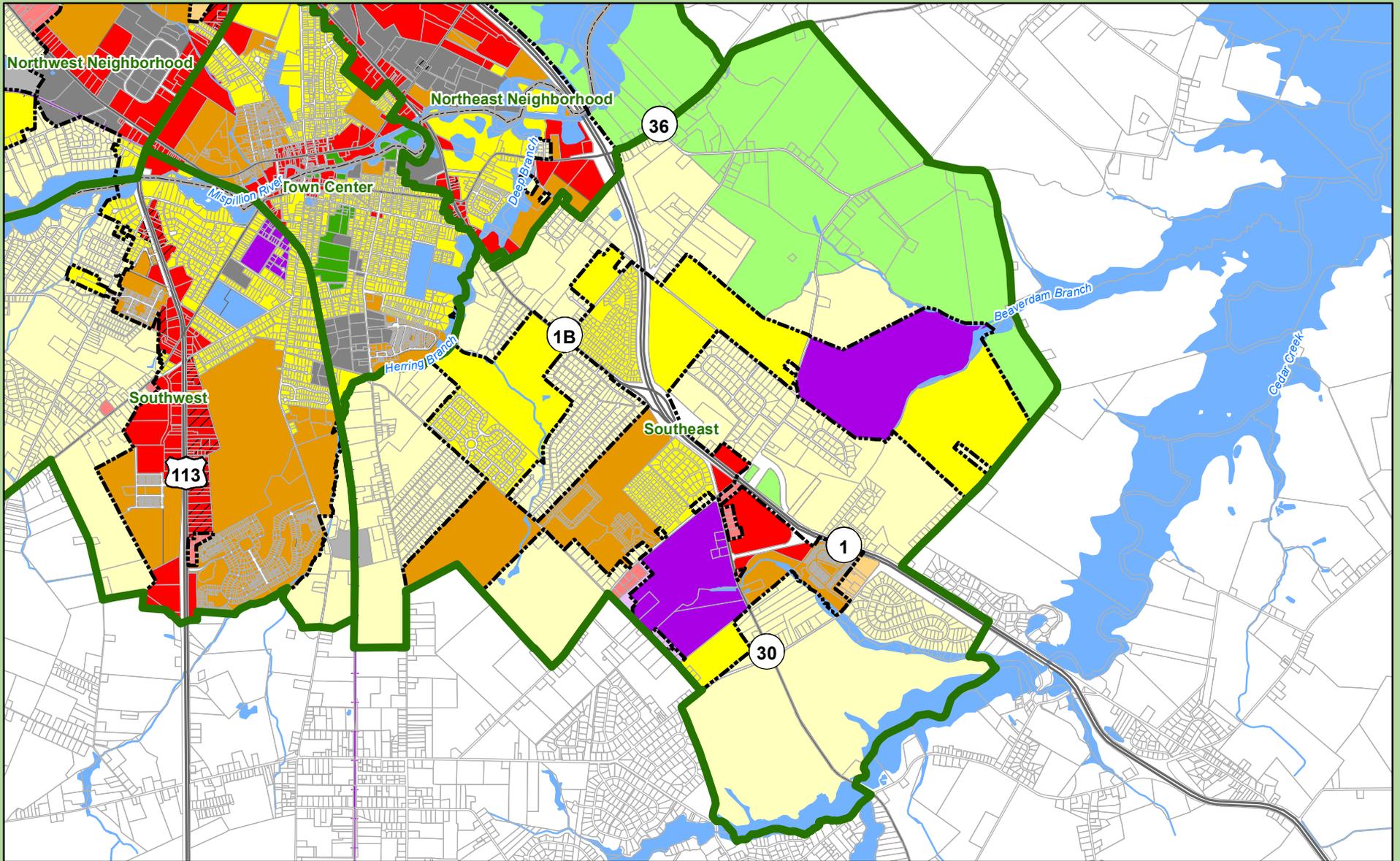
 Proposed Annexation



Scale:
 Feet
 0 200 400
 Drawn by: WRP Date: 04/17/18

Title:
 Proposed Annexation
 City of Milford
 Location & Zoning Map

Filepath: Annexation_CityofMilford.mxd

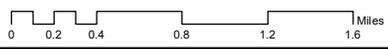


City of Milford, Delaware

Future Land Use

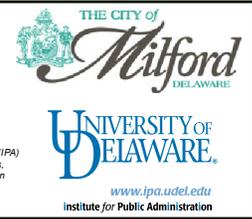
Southeast

Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



11821

This Deed, Made this

BOOK 1352 PAGE 337

17th day of July 19 85

BETWEEN.

JAMES H. VREELAND, MARY L. VREELAND, MARY LOU WEBB and KAY V. KLUTE, of Milford, Delaware, parties of the first part,

- AND -

THE CITY OF MILFORD, a Municipal Corporation of 201 South Walnut Street, Milford, Delaware, 19963, party of the second part,

Witnesseth. That the said party of the first part, for and in consideration of the sum of TWENTY SIX THOUSAND SEVENTY DOLLARS and EIGHTY CENTS----- (\$26,070.80)-----lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part.



ALL

that certain tract, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit:

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl W. Grundman; thence proceeding along said lands of Carl W. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands; thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe; 4) South 49 degrees 45 minutes 54 seconds West 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6.5177 acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard S. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.

FUQUA AND GRAVES
THE CIRCLE
GEORGETOWN, DELAWARE 19847

STATE OF DELAWARE

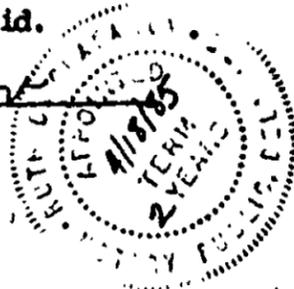
BOOK 1352 PAGE 338

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JAMES H. VREELAND, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



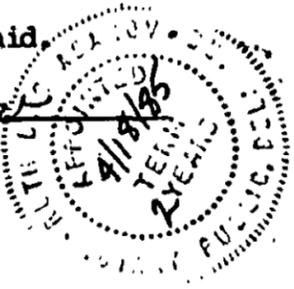
STATE OF DELAWARE:

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MARY L. VREELAND, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



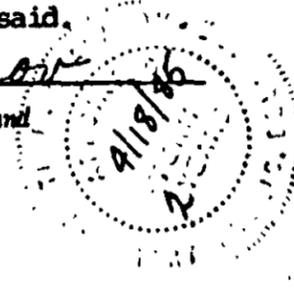
STATE OF DELAWARE:

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MARY LOU WEBB, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



In Witness Whereof, the said party of the first part has hereunto set hand and seal, the day and year aforesaid.

Signed, Sealed, Delivered and Witnessed in the Presence of

Kenneth A. Mills
as to all

James H. Vreeland
MARY L. VREELAND
Mary Lou Webb
KAY V. KLUTE



State of Delaware,
County of Sussex

} ss.

this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,

KAY V. KLUTE,

part Y to this Indenture, known to me personally to be such, and SHE acknowledged this Indenture to be HER Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

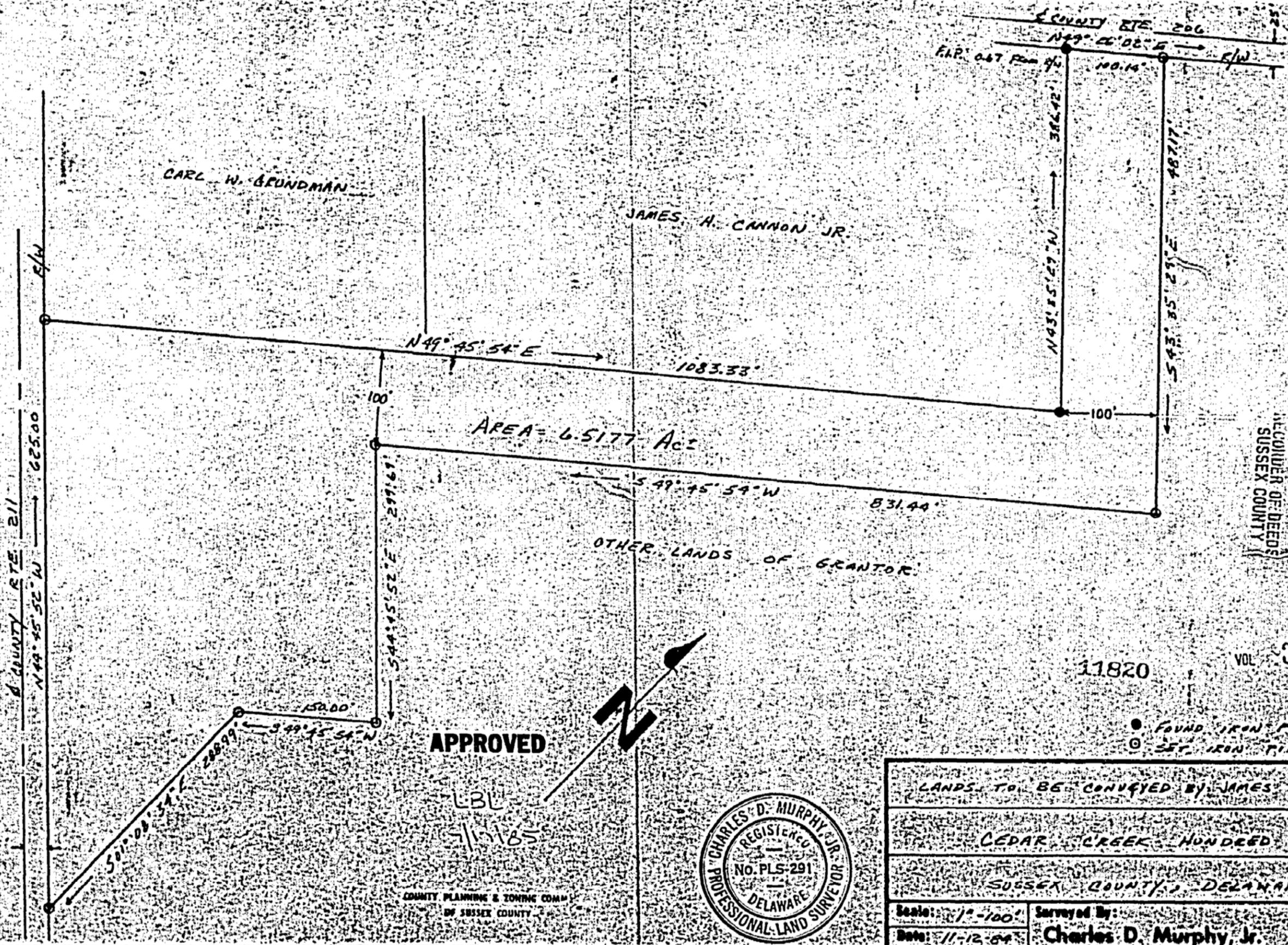
RECEIVED
MARY L. VREELAND
1985 JUL 18 PM 2:32
RECORDED OF DEEDS
SUSSEX COUNTY



Burt D. Chasnov
Notary Public

19th DAY OF July 1985
ASSESSMENT DIVISION SUSSEX COUNTY

Milgard, Del. 7-26-85



RECEIVED
MAY 11 11 AM '08
RECORDER OF DEEDS
SUSSEX COUNTY

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11820

APPROVED

LBL
7/1/85

COUNTY PLANNING & ZONING COMM.
OF SUSSEX COUNTY



LANDS TO BE CONVEYED BY JAMES H. VREBLAND	
CEDAR CREEK HUNDRED	
SUSSEX COUNTY, DELAWARE	
Scale: 1" = 100'	Surveyed By: Charles D. Murphy, Jr.
Date: 11-12-04	P.L.S. 291

270198 (5) 7-00

OFFICE OF THE MAYOR
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com



ARTHUR J. CAMPBELL, MAYOR
City Hall 302.422.1111
Fax 302.424.3558
MayorCampbell@milford-de.gov

October 5, 2018

TO: City Council
FROM: Mayor Arthur J. Campbell
SUBJECT: Appointments to the Parks and Recreation Advisory Board

Following receipt and review of applications, I am appointing the following member to the Parks and Recreation Advisory Board and respectfully request the concurrence of the City Council:

Name	Ward	Term Expiring
Anne Villalobos	1	August 31, 2020
Eli Howard	2	August 31, 2020
Andrew Fulton	2	August 31, 2019
Edward Evans	3	August 31, 2021
Duvanel Louis	4	August 31, 2021