

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2018

The City Council of the City of Milford met in Workshop Session on Monday, August 27, 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, Owen Brooks Jr.,
Douglas Morrow, James Starling Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Second Ward Council Seat Vacant

Amendments/Land Use Application Process & Scheduling

City Planning Director Rob Pierce was also present.

Mr. Pierce referred to the following memo addressed to the Community and Economic Development Committee:

At the May 29, 2018 Community and Economic Development Committee meeting, staff presented the current Land Use application procedures as required by the Delaware Code, City Charter, and Chapters 200 & 230 of the City Code. The committee requested staff to investigate ways to reduce the time it takes for applications to get through the City's land use process. As a result, discussions will be held with the Planning Commission in July to develop code amendments to Chapter 200 and Chapter 230 regarding administrative approvals for minor subdivisions, lot line adjustments, and lot consolidations which may eliminate the need for Planning Commission and City Council review for these types of applications.

In addition, the City Manager, Solicitor, Clerk and Planning Director met to review the timing of application submissions, document review, advertisement and meeting dates to determine if there were ways to modify the process to reduce the amount of time needed. The enclosed exhibit illustrates the current schedule for applications that require public hearings, the current schedule for applications that do not require public hearings and a proposed revision to the schedule for applications that require public hearings. The exhibit outlines which types of applications require public hearings in the preliminary and final approval stages. Major tasks are color coded and labeled below the calendars.

As shown on the "Revised Process with Public Hearings" schedule, a month could be eliminated from the process if the Planning Commission and City Council public hearings are scheduled in the same month. This would not place an additional burden on City staff for review, advertising and publishing tasks. However, this approach would mean that the City Council public hearing would occur less than one week from the Planning Commission public hearing, and the Planning Commission meeting minutes would not be available for review by the City Council. Any other option to reduce the amount of application processing time would require significant modifications to Chapter 200 and Chapter 230.

The Planning Director then provided a quick synopsis of the land application process (approximate dates):

Applications without Public Hearings

- *First day of month-application deadline
- *Next two weeks-plan reviewed and issues addressed
- *Last Wednesday of month-Planning Commission agenda finalized
- *Two weeks (Tuesday) before Planning Commission hearing-packet mailed to Planning Commissioners

*Planning Commission meeting held third Tuesday of month.

Applications with Public Hearings

*First day of month-application deadline

*Next two weeks-plan reviewed and issues addressed

*Last Wednesday of month-Planning Commission agenda finalized

*Public Notice submitted to local newspaper at least twenty days prior to Planning Commission hearing (notices also mailed to required property owners).

*Two weeks (Tuesday) before Planning Commission Hearing-packet mailed to Planning Commissioners

*City Council Public Hearing scheduled for second meeting of following month

*Ordinance introduced at first Council meeting of month

*Public Hearing held on second meeting of Month.

The Planning Director announced that a condensed schedule is being proposed that the City Council Public Hearing be moved to the Monday (second meeting) following the Planning Commission hearing (held on the third Tuesday) versus waiting an additional month. This would shorten the process by approximately thirty days. The only downside is that the minutes of the Planning Commission meeting, in which the application was heard, would not be available for Council review.

The Community and Economic Development Committee felt it was more appropriate that it be considered by all members of City Council.

Councilman Brooks pointed out he does not receive the local newspaper the Public Hearing is advertised in.

Councilman Boyle asked what would happen if there was a contentious issue and the Planning Commission was not unanimous in their recommendation. The Planning Director recommended any action be postponed and the Public Hearing be heard the following month.

Solicitor Rutt explained that it could be deferred for receipt of the Planning Commission minutes. However, the Public Hearing would be held and any evidence presented. A decision would be postponed until after the minutes were received after which time Council had been given time to review them.

Mr. Rutt asked if there is a way to tweak some of the dates in relation to when the application is due and how quickly the applicant needs to respond. He feels that instead of using a local newspaper published only once a week that requires submission twenty days in advance, another form be considered. He suggests the Notice be placed on line and posted on City Hall's bulletin board to meet the notice requirements.

Mr. Pierce pointed out that would still require approximately three weeks because of the fifteen-day, mandatory notice. However, it can be shortened by making the deadline earlier by a week or so. However, his Department generally works with any applicants who may be submitting a day or so beyond the first of the month. That also depends on the complexity of the project and whether or not it contains a number of errors. His goal was to eliminate the approximate forty days in which nothing is occurring between the Planning Commission and City Council hearings, now scheduled the following month.

Councilman Morrow feels that both the City Manager and the Planning Director provide good descriptions of the application and the vote of the Commissioners so that should not be a problem. He also noted that Council typically based on the recommendation of the Commissioners. He, too, hears complaints about how slow our application process is.

Councilman Mergner explained that was the purpose of it going before the Community and Economic Development Committee with the goal to be more business friendly and to speed up the process. The Committee felt implementing this strategy would not require any code changes. The Committee wanted Councils' input though they were willing to move forward with the plan.

Councilman Morrow agrees if we run into problems as a result, we can revert back to the old process.

Mayor Campbell agrees that he has also heard complaints about the amount of time it takes an application to receive approval.

Councilman Boyle reiterated his only concern is a contentious issue that is going to require more information. He does not feel Councilmembers should be put in a blind spot to vote on an issue that needs a more in depth review. He added that this could also apply to an application that has been recommended for denial by the Planning Commission and the applicant may prefer to have more time to prepare for the Council hearing.

Councilman Boyle suggests some exception of sorts when an application needs to be deferred until the following month. Councilwoman Wilson agrees that she likes that safety net and prefers an option for deferral be added though it would be an unusual situation.

Solicitor Rutt does not feel it would be appropriate for Council to vote on a matter if it has been deferred by the Planning Commission. Though the hearing is scheduled before Council, he does not recommend a vote be taken.

Councilmembers questioned if the Public Hearing would actually be held if the recommendation was on hold with most feeling it should be postponed as well. According to Mr. Rutt, because the Public Hearing before Council is already scheduled, the matter should be presented, but the vote postponed until a recommendation has been made by the Planning Commission and the minutes have been provided.

Mr. Rutt emphasized that if the Planning Commission does not vote on a matter and the Public Hearing is already scheduled before City Council, the hearing has to be held.

Councilman Boyle expressed concern that if the Planning Commission voted to recommend denial, and the applicant asked to appeal to City Council, that Council is being forced to address a matter before all the facts have been presented to them. He believes Council would prefer to defer the hearing until after the Planning Commission minutes are received.

Councilman Morrow agreed, though the City Manager or Planner always reports the outcome to Council but does not have a problem deferring the hearing until all facts, including the completed minutes, have been received.

Solicitor Rutt said City Council could open the Public Hearing, then defer it to a later date, though in his opinion that is 'messy'. He added that if the Planning Commission recommends denial, a vote to overturn that decision would require a super majority (3/4) vote of City Council, or six members.

Mr. Norenberg reported there are procedures to follow to keep a Public Hearing open. However, he thinks it is very important we communicate with the public so that they are aware of the rescheduled date and time so that they still have the ability to provide feedback and comments.

Mr. Pierce announced that they are also working with the Kent Economic Partnership to come up with a standardized process throughout Kent County though it will not be required. He may be coming back with additional recommendations to make our process more uniform with other municipalities.

City Manager Norenberg reminded Council there are a few of the steps that will be handled administratively and approval granted in house to simplify the process and reduce some reviews by City Council.

The consensus of Council was to move forward with the condensed process as was recommended by Mr. Pierce.

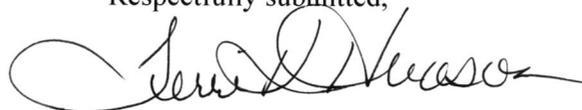
Mr. Norenberg concluded by stating the new process can be reviewed in a couple months and we always have the option to return to the old process if needed at that time.

Councilman Mergner recommends we also communicate with the developers and applicants so that they understand we

are making an effort to change the process to make it faster for their benefit.

There being no further business, the Workshop concluded at 6:55 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2018

Milford City Council held Public Hearings on Monday, August 27, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Christopher Mergner, Mike Boyle, 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

ABSENT: Councilmembers Lisa Ingram Peel
Second Ward Council Seat Vacant

Mayor Shupe called the Public Hearing to order at 7:00 p.m.

Planning Director Rob Pierce was also present.

ORDINANCE 2018-19

*Salt Air Homes LLC for a Conditional Use
Allow Single-family Semi-Detached Dwelling
R2 Zoning District*

.245+/- acres

418 South Washington Street, Milford, Delaware

Present Use: Vacant; Proposed Use: Single-Family Semi-Detached Dwelling

Tax Map 3-30-10.08-040.00

Salt Air Homes LLC for a Final Minor Subdivision

.245+/- acres

R2 Zoning District

418 South Washington Street, Milford, Delaware

Tax Map 3-30-10.08-040.00

Mr. Pierce reported a Public Notice of the hearing was published in the Milford Beacon on June 27, 2018 and all properties within 200 feet of the parcel were mailed a copy.

The applicant proposes to subdivide a parcel of land into two buildable lots for single-family semi-detached products. The property formerly contained a condemned single-family detached dwelling which was demolished by the applicant in May 2018.

According to Chapter 230-10(C), single-family semi-detached dwellings require the approval of a conditional use permit from City Council. The proposed minor subdivision also required a variance from the minimum lot width requirement of forty feet for Lot 1 and Lot 2. That request was reviewed and approved by the Board of Adjustment on July 12, 2018. The applicant proposes a lot width of 37.51 feet for Lot 1 and Lot 2.

Other than the lot width variance, the proposed minor subdivision meets the requirements of Milford's Zoning and Subdivision of Land Codes. Separate utility services will be required for each dwelling unit and the applicant will be required to replace sidewalk sections that are in poor or failing condition along the front of the property.

The Planning Commission held a public hearing on July 17, 2018 and recommended approval by unanimous vote.

A map of the proposed subdivision was then referenced by the Planning Director.

Applicant Salvatore Leone of 91 Brenda Lane, Camden, Delaware stated that they agreed to replace the entire sidewalk in front of the property for aesthetic purposes. In addition, the rear garage will be removed to meet the impervious requirements. They felt the lot was conducive to a duplex and believe it will make the street more appealing and the community better.

They are developing the 1,500 to 1,600 square foot unit with first time home buyers in mind, making it affordable with a nice garage and yard for children to play in.

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

Councilman Boyle moved to adopt 2018-19, for a Conditional Use to allow a single-family semi-detached dwelling in an R2 District at 418 South Washington Street, seconded by Councilman Morrow.

Motion carried by the following 6-0 vote:

Mergner-votes to approve the application based on the unanimous decision to recommend by the Planning Commission.

Boyle-votes yes based on the review and recommendation of the Planning Commission.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes as recommended by the Planning Commission.

Starling-votes yes based on the recommendation of the Planning Commission.

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

Councilwoman Wilson moved to approve the Final Minor Subdivision at 418 South Washington Street, seconded by Councilman Starling.

Motion carried by the following 6-0 vote:

Mergner-votes to approve the request based on the unanimous decision to recommend approval by the Planning Commission.

Boyle-votes yes based on the review and approval of the Planning Commission.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes as recommended by the Planning Commission.

Starling-votes yes based on the recommendation of the Planning Commission.

Wilson-votes yes based on the recommendation of the Planning Commissioners.

ORDINANCE 2018-20

AC Lucas for a Conditional Use

Conversion of a One-Family Dwelling into Multiple Dwelling Units

.491+/- acres

R1 Zoning District

430 South Walnut Street, Milford, Delaware

Present Use: Single-family detached dwelling

Proposed Use: Same with efficiency apartment

Tax Map 1-30-3.08-081.00

Planning Director Pierce reported the applicant proposes to convert the existing single-family detached dwelling into multiple units by partitioning off 515 square feet of floor area for an efficiency apartment. The dwelling was previously used as a home occupation for a hair salon by the applicant's parent. The site already contains a separate electric meter for the proposed living area.

Chapter 230-9 (C)(4) states conversion of a one-family dwelling into multiple dwelling units is permitted with the approval of a conditional use permit by City Council, if such dwelling is structurally sound but too large for use by one-family and if

that conversion would not impair the character of the neighborhood and is subject to conformance with the following requirements:

- * There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.
- * There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.
- * No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of Milford's Code.
- * No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
- * Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
- * Two off-street parking spaces shall be provided for each additional dwelling unit created.

The evaluation was based on the criteria found under Chapter 230-48 for conditional uses, along with an evaluation of those specific requirements pertaining to the conversion.

Mr. Pierce advised the Public Notice was published in the Milford Beacon on June 27, 2018 and all properties within 200 feet of the parcel were mailed a copy.

The Planning Commission held their hearing on July 17, 2018 and recommended approval of the application by unanimous vote, with the condition that the conversion must obtain approvals from the building department and fire marshal for the separation of the additional unit. Additionally, should the owner sell the property, the home would revert back to a single family use or the new owners would be required to also live in the main unit.

Referenced was the zoning map showing the property primarily in the R-1 zoned area, though there are some H-1 industrial zoning district properties which are the remnants of the medical uses surrounding the current Milford Memorial Hospital.

He also referenced the size of the lot, which is a larger lot along the street, with a larger driveway that is able to accommodate additional parking.

A sketch of the floor plan was provided by the applicant and is included in the packet, showing the driveway, divided area and residential access.

Mr. Pierce advised that a few neighbors did attend and speak at the Planning Commission hearing.

Mr. Pierce confirmed that one property owner supported the application and another had some general questions about being sold to a new owner and the concern of an absentee landlord. That led to the motion made by the Planning Commission to restrict the home to an owner occupied and tenant situation.

He noted that those residents are in attendance this evening.

Councilman Mergner confirmed the driveway is adjacent to Plum Street, which is a paved alleyway behind the residence, and would be used as an access for parking. Mr. Pierce stated that is correct and is a similar situation to several homes along South Walnut that have rear access from the alley. In addition, Mr. Lucas is planning to include some additional area to the north of the existing driveway to accommodate two lines of parking.

It was confirmed that two off-street parking spaces are required for each additional dwelling unit created.

Applicant AC Lucas of 430 South Walnut Street stated that he has lived in the 1,800 + square feet home for five years by himself. He does not access the in-law suite or this portion of the home. His plan is to divide the home and rent that portion to one or two persons, adding that it sits on an approximate half-acre lot.

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

Councilman Brooks moved to adopt Ordinance 2018-20 allowing the conversion of a One-Family Dwelling into a Two-Dwelling Home at 430 South Walnut Street, provided Fire Marshal approval is obtained, a building permit is issued from the City if necessary and with the condition that should the owner sell the property, the home would revert back to single family or the new owner would be required to live in the main unit, seconded by Councilman Morrow.

Motion carried by the following 6-0 vote:

Mergner-votes to approve based on the unanimous decision by the Planning Commission and their special conditions.

Boyle-votes yes based on the recommendations of the Planning Commission.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes as recommended by the Planning Commission and because it is a large lot for this use.

Starling-votes yes based on the comments of the Planning Commission.

Wilson-votes yes based on the decision and recommendations of the Planning Commission.

Milford Ponds LLC for a Final Major Subdivision (Phase I)

178.03 +/- acres in R1, R2 and R3 Zoning Districts

East side of South DuPont Boulevard approximately 5,500 feet south of the Seabury Avenue Intersection, Milford, Delaware

Present Use: Vacant Land

Proposed Use: 459 Single Family Units, 0 Duplex Units, 91 Townhouse Units and 150 Apartment Units

for a 700-Unit Subdivision

Tax Map 1-30-3.00-264.00, 1-30-3.00-264.01, 1-30-6.00-108.00, 1-30-6.00-167.00 thru 558.00, 1-30-6.00-601.00 thru 691.00

Mr. Pierce reported that building in this community has begun in the past couple of months by Ryan Homes. The applicant is planning some modifications to the subdivision by reducing the number of townhouse units and making them single detached products.

The applicant received Preliminary Major Subdivision and Planned Unit Development approval from City Council on April 23, 2018. The revised major subdivision plan is for Phase I only of the subdivision and includes 364 single family detached units. The applicant has obtained all agency approvals, including DeIDOT, Sussex Conservation District, Office of Drinking Water and Fire Marshal, as well as a letter of no objection from the City Engineer for infrastructure.

Any comments discussed during the preliminary process have been addressed.

The Public Notice was published in the Milford Beacon on August 1, 2018 and property owners within 200 feet of the entire subdivision received a notice of the hearing. The Planning Commission held a hearing on August 21, 2018 and recommended approval of the application by unanimous vote.

Mr. Pierce clarified that Phase I involves the front phase and that Phase II was previously recorded. Phase III is in the center portion of the property to the northeast.

Councilman Brooks confirmed this will expand to Old State Road. Mr. Pierce explained that it will eventually, however, there are some items that need to be addressed according to DeIDOT.

Timothy Metzner of Davis, Bowen and Friedel, spoke on behalf of the Milford Ponds LLC and reiterated that all agency approvals were received, in addition to a recommendation for approval from the Planning Commission.

Mayor Campbell opened the floor to public comments.

Deborah Contravo of South Walnut Street asked if there are any provisions for units with persons with disabilities and if yes, how many. Mr. Metzner stated that all access and public areas will be ADA compliant, including sidewalks and crossings.

Though he is unaware of any ADA designed units at this time, he is confident the builder would be willing to discuss that if any interested buyer who had those specific needs.

Councilman Mergner moved to approve the Final Major Subdivision for Phase I of Milford Ponds LLC, seconded by Councilwoman Wilson.

Motion carried by the following 6-0 vote:

Mergner-votes to approve based on the materials presented and the information in the packet.

Boyle-votes yes based on the recommendation of the Planning Commission.

Brooks-votes yes based on the Planning Commission and he is glad to see this get started because it was done years ago.

Morrow-votes yes as recommended by the Planning Commission and looks forward to construction.

Starling-votes yes based on the Planning Commissioner's recommendation.

Wilson-votes yes and reiterates Councilman Mergner's comments.

There being no further applications, the Public Hearing was adjourned at 7:40 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 27, 2018.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Ingram Peel
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:41 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2018-12/Constitution Week

Mayor Campbell read the following proclamation into record:

*PROCLAMATION
2018-12
CONSTITUTION WEEK IN THE CITY OF MILFORD*

WHEREAS:

September 17, 2018, marks the Two Hundred and Thirty-First Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

The United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights; and

It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23, 2018 as Constitution Week.

Now, Therefore, Be It Proclaimed, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the week of September 17, 2018 through September 23, 2018 as CONSTITUTION WEEK in the City of Milford and ask our citizens to reaffirm the ideals of the Framers of the Constitution in 1787 by vigilantly protecting the freedoms and privileges guaranteed to us through this guardian of our liberties, remembering that lost rights may never

be regained.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 27th day of August 2018.

COMMUNICATIONS & CORRESPONDENCE

Mr. Norenberg reminded Council that a group photo of Councilmembers will be taken at 6:00 p.m. on Monday, September 10th before the Swearing in Ceremony at 7:00 p.m.

SCAT and Delaware League of Local Governments meetings are resuming as of September for anyone interested in attending.

DEMEC is holding their Annual Dinner Meeting for members on Wednesday, September 19, 2018.

Please contact the Deputy City Clerk if you wish to attend any of these upcoming events.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Alcohol Waiver/Chapter 77/Alcoholic Beverages/Ladybug Festival

DMI Board President Sara Pletcher provided a synopsis of the event in addition to the following information:

Downtown Milford, Inc. (DMI) is partnering with Gable Music Ventures to expand the popular and successful Ladybug Music Festival to Downtown Milford on Saturday, September 22.

The Ladybug Music Festival is a free block party celebrating women in music that provides a valuable economic boost for the community. The event has taken place exclusively in Wilmington since 2012 and Gable Music Ventures is expanding their operation to Milford. The event is expected to bring 2,500 residents and visitors to our downtown from 3:00 to 9:00 p.m. A total of fifteen different downtown businesses will participate, including Arena's Deli, Park Place Restaurant & Lounge, Lifecycle, Causey Mansion, My Sister's Fault and Riverside Gifts. Seventeen music venues will be showcased in all.

DMI approached Mispillion River Brewing to coordinate and run three bars placed throughout the Festival. They have committed to partner with NKS Distributors to sell MRB beer exclusively along with a small selection of NKS wines and seltzer beverages. No spirits will be sold. With licensed servers throughout, MRB will set up a bar near Dolce, on Park Avenue near the Main Stage and in the Farmers Market Park. A portion of the proceeds will be provided to DMI and will be the only source of funding DMI receives from the event. Since the purpose of this Festival is economic development, they have asked to expand the beer garden boundaries to include all of Walnut Street from South Front to North Front and over to Washington Street via Park Ave. up through the amphitheater area. This will permit attendees to enter stores they couldn't otherwise visit and listen to music inside the Walnut Street venues. A temporary fence will be installed along Washington Street from Park Avenue to the Library and behind Gallery 37 next to the Riverfront Theater in order to restrict alcohol to those areas.

The Gathering License has been requested from 3:00 to 10:00 p.m. to allow for an additional hour during cleanup after last call.

Chief Brown has informed them the department has the funding to pay Milford Police Officers overtime for foot patrol that day. All participants will be carded and wrist banded.

DMI Executive Director Murrie Zlotziver was also present to answer a few technical questions about the event.

Councilman Morrow moved to approve the Alcohol Waiver for the Ladybug Festival on Saturday, September 22, 2018, seconded by Councilman Mergner. Motion carried with a 5-1 vote with Councilman Starling casting the dissenting vote.

Appropriation/Funding/Sidewalk Inspection Proposal/City Responsibility

City Manager Norenberg presented the proposal on behalf of Public Works Director Mark Whitfield, who was away at training.

He recalled the Public Works Department has concluded the sidewalk inspection on all collector streets and streets serving public schools. For this area, approximately 2,000 sidewalk blocks were found to be deficient.

At a meeting held July 23rd with property owners, they questioned their responsibilities for sidewalk damage caused by meter pits, sewer cleanouts, City-tree roots, hydrants, utility poles or street signs that created safety hazzards as a result.

Staff did perform a followup evaluation of the causes and determined the following:

<u>Cause</u>	<u># Blocks</u>	<u>Cost at \$200/block</u>	<u>Cost at \$250/block</u>
Water Meter Pit/Hydrant	83	\$16,600	\$20,750
Utility Pole	36	\$ 7,200	\$ 9,000
Sewer CO/Manhole	2	\$ 400	\$ 500
Tree Roots (from City tree)	64	\$12,800	\$16,000
Street signs	2	\$ 400	\$ 500
Total	187	\$37,400	\$46,750

The Public Works and Finance Committee agreed the City should be responsible for the repair to those blocks as described above. Costs would be divided between General Fund (tree roots and street signs), Water Fund (meter pits and hydrants), Electric Fund (utility poles) and Sewer Fund (cleanouts and manholes).

Mr. Norenberg explained that they wanted to get concurrence from Council before proceeding and providing notification to property owners.

Mr. Whitfield will return with a bid result and the next steps regarding the entire sidewalk program within the next month even though the work would most likely not be done until spring of 2019.

Councilwoman Wilson advised that she has had a number of concerns expressed about the potential hardship this could create for residents who are required to repair their sidewalks. Her response was they wait until they received a letter and if this created a hardship, they could meet with Mr. Norenberg to discuss it.

Mr. Norenberg agreed emphasizing that the City is focusing mainly on sidewalk blocks that have trip hazards and damage that make them unsafe. Public Works is willing to work with the property owner and are more than happy to discuss alternatives. One such alternative involves a company who uses a different process who has contacted the City about possible repairs at a lower cost. In addition, there is a possibility of financing the costs over a five-year period. He emphasized the last thing the City wants is a lot of rumor and fears about this project.

Councilman Brooks said he has a lady he is representing who is ten years older than he is and has a daughter that is very sick. Her letter almost made her have a heart attack. He said she is living on social security and wants to know how she can pay it.

Mr. Norenberg encouraged that resident to wait until she receives a more detailed letter. At the time the letter was sent, no numbers were provided nor specific damage at any address described to prevent that type of reaction. He added that staff is very willing to go to her home and meet with her.

Councilwoman Wilson appreciates that gesture adding that though we are growing as a City, we never want to lose that personal touch of helping our residents and she is very grateful for that.

Councilman Morrow said this has been needed for years and it has been talked about since he and Councilman Brooks were on Council and remembered when both wanted something done before. However, he agrees there is a need to quell the fears and take our time and work out the situations one on one in order to make Milford a safer City.

It was also noted that any projects planned and funded by the City, including curb work, will be completed prior to those adjacent property owners being notified.

Councilman Morrow feels that at the appropriate time, Council can dive into the minutia of who, where and how this will be funded. Councilman Boyle agreed and pointed out that at this time, we still do not know what the cost will be.

Planning Director Pierce confirmed that sidewalks are included on the list of inspection items for rentals. However, because the programs are unrelated with different priorities, it was put on hold. It could be integrated at a later time and the 400 plus rental inspections that have occurred did not include sidewalk inspections.

Councilman Mergner moved to authorize the funding for sidewalk replacements found to be deficient as a result of water meter pits/hydrants from Water Reserves, sewer cleanouts/manholes from Sewer Reserves, tree roots from City trees from the Street Operating Budget, street signs from the Streets Operating Budget and utility poles from the Electric Fund Reserves, seconded by Councilman Brooks. Motion carried.

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

Mr. Norenberg recalled that in 2017, City Council approved a cost of service study for the electric utility. The purpose of the study was to ensure our rate structures were fair and equitable, after which a new rate design was approved.

Several months ago Council had conversations about appropriate fund balances for water, wastewater and solid waste for future needs. That included the possibility of a study to ensure the rates are properly set and adequate reserves are available in each area.

Since that time, the Public Works Department obtained a proposal from Utility Financial Solutions, Incorporated to complete a Cost of Services and Rate Design Study for Water, Wastewater, and Solid Waste. Staff recommends Council consider the study for several reasons:

1. To determine if the rate structure is fair to all users.
2. To determine if rates meet both operating as well as future capital needs.
3. To determine if adequate reserves are being held in each account to adequately meet future infrastructure improvements.
4. To determine if rates meeting the needs of associated debt repayment.

The recommendation from the Public Works and Finance Committee is to proceed and move ahead with the allocation for the project as follows:

Water Reserves - \$12,500
Sewer Reserves - \$12,500
Solid Waste Operating Budget - \$9,000

When asked why this can't be done in house, Mr. Norenberg explained this is a very detailed analysis as is described in the proposal included in the packet. City Staff can write a policy but the intent is to ensure a fair rate structure that will adequately meet any future capital needs.

Councilman Morrow pointed out that this study may determine that our fees are higher than necessary or that there is too much money in reserves. Therefore, it could result in a rate decrease and does not necessarily mean our rates will increase.

Councilman Brooks recalled that when five new police officers were being considered at a cost of \$1.8 million, the money was going to be taken from the water reserves. That tells him there is a lot of money in it.

Councilman Morrow does not like studies that cost money, but the right dollar amount needs to be determined. In addition, it will provide an independent third party opinion. Councilmembers agreed and recalled that electric rates that were decreased following the electric utility study.

Councilman Brooks does not think that is why the rates went down. He then referenced a newspaper article stating Delmarva Power is having to refund millions of dollars to its customers. Mr. Norenberg agreed adding that was the result of a tax bill passed in December and because the City of Milford is tax exempt, we have no tax status and do not qualify.

It was confirmed that new tax bill only impacts Delmarva Power customers who purchase power. The City of Milford purchases its power through DEMEC.

Councilman Brooks noted that a lot of our rates are due to the long term loans the City took out.

Councilman Morrow responded that he does not want to spend the money either, but feels there is a need for a consultant's opinion of what the City reserves should be. Councilman Boyle agreed adding it will also provide a long term projection of where we should be and provide a foundation and a better budget in the coming years. It has already proven its worth in the electric study.

Mayor Campbell said the bottom line is we do not have the in-house expertise to handle this.

Councilman Brooks has no problem with the study other than we seem to have one study done after another.

Councilman Morrow recommends going back to the contractor to see if the cost can be reduced.

Mr. Norenberg recommends a not-to-exceed amount. He will then review the proposal to see if anything can be done to lower the total costs. This will allow the project to move forward. Council will not have to approve the actual contract because it is under \$50,000 though the funding authorization is needed.

Councilman Morrow suggests this be postponed until the next Council meeting; Council agreed.

Councilwoman Wilson moved to defer the appropriation of funding for this project until the September 10, 2018, seconded by Councilman Boyle. Motion carried.

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

City Manager Norenberg introduced the following ordinance:

ORDINANCE 2018-21
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATION 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

Adopted: September 10, 2018

Effective date shall be ten days following adoption.

EXECUTIVE SESSION

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

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

Pursuant to 29 Del. C. 29 §10004(b)(2) Site Acquisition

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:22 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 8:29 p.m.

MPD Teamsters Negotiations

Purchase of Land

Mayor Campbell announced that no formal action was required.

ADJOURNMENT

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

The Council Meeting adjourned at 8:31 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder