

City of Milford



CITY COUNCIL AGENDA

Tuesday, November 13, 2018

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Tribute 2018-16/Retired State Senator Gary W. Simpson
Tribute 2018-17/Retired State Representative Harvey Kenton
MPD Recognition

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business

Authorization/Funding Appropriation/Cost of Service Study/Wastewater, Water & Solid Waste Services

New Business

Introduction/Ordinance 2018-25/Chapter 130 Flood Plain Management
Introduction/Ordinance 2018-26/Chapter 200 Subdivision of Land
Authorization/Funding/TAP Program/Phase I/Northeast Front Street

EXECUTIVE SESSION

Motion to Recess into Executive Session

Pursuant to 29 Del. C. §10004 (b)(9) Personnel Matters

Return to Open Session

Council Appointee Evaluation

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.

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MILFORD CITY COUNCIL
MINUTES OF MEETING
September 24, 2018

A Meeting of the City of Milford Annexation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 24, 2018.

PRESIDING: Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members: Councilman Christopher Mergner and James Starling Sr.

Mayor Arthur Campbell

Councilmember Mike Boyle and Todd Culotta

STAFF: City Planner/Acting City Manager Rob Pierce and City Clerk Terri Hudson

Chairman Brooks called the Committee Meeting to order at 7:43 p.m. for a review of the following requests:

*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*

Mr. Pierce referenced the survey showing the existing property that contains a single-family detached dwelling and accessory buildings in the First Ward. Three of the adjacent properties are in City limits so this will help square the boundary line off.

The parcel is directly south of the previous Putt-a-Rosa site on South Rehoboth Boulevard or 950 feet south of the Southeast Second Street intersection.

The plan is 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 this parcel. The proposed use would be a small shopping center on the commercial property. It is tied into a thru-entrance with a multi-family project on the eastern portion that would extend to Beaver Dam Road.

All streets are anticipated to be privately owned. Any entrance would from South Rehoboth Boulevard that will require DelDOT approval.

As with any development, the parcel will be subject to DNREC storm-water regulations and the developer required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

The applicant is requesting a C-1 (Community Commercial District) that is consistent with the City's Comprehensive Plan Land Use and Zoning Maps.

The site is currently served by an on-site septic system and well. Those utilities will remain in place until the property is redeveloped or utilities become technically available. Any connection would be at the expense of the property owner or developer. It is anticipated that this area, which would include the shopping center project, be served with a new sewage pumping station on South Rehoboth Boulevard.

The area would be served with a water main extension from existing infrastructure along South Rehoboth Boulevard to Beaver Dam Road.

The property is currently served by City electric and any upgrades would be at the expense of the owner/developer.

A utility and annexation agreement outlining all infrastructure costs and other items previously mentioned will be required.

The parcel is bound on the north and east by properties zoned C-3, which were formerly outdoor recreational uses. To the south is a small strip of R-3 zoning, before it becomes AR-1 within the unincorporated area of Sussex County. To the east, is the proposed multi-family housing project also previously discussed.

Other properties within Sussex County along this road, are similar to what exists as a single family-detached product.

Carlisle Fire Department will continue to provide fire protection services to this parcel and the City will provide police Service.

The property is within the planning area of the City of Milford and identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map. It also provides for additional water and sewer customers with the expansion costs incurred by the developer/property owner.

In addition, the City would receive revenues from any redevelopment of the property, including property tax, building permits, etc.

Mr. Pierce reported that if in agreement, the Committee would sign the report to be submitted to Council at the October 8, 2018 meeting.

He also noted that the applicant's representative is in attendance.

When asked if the area property owners had been notified by mail, Mr. Pierce explained that once the Annexation Committee agrees to proceed with the request, letters are sent at the time the public hearing is scheduled.

If the Committee concurs, Mr. Pierce will prepare the Plan of Services to be forwarded to the State of Delaware Planning Office, the annexation agreement, etc. A public hearing will follow before which property owners within 200 feet will be notified.

The Planning Director then reported that the Board of Adjustment recently heard and approved the following variance requests:

Relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, Section 14C(11)(f)[1] which states for conditional use approvals, "there shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts." A variance to allow no buffer on all property lines was also authorized.

As a result, public notices were sent out related to the future development, but not involving the annexation request.

Mr. Pierce reviewed the surrounding zoning districts that include C-3, C-3 and R-3. The applicant will request C-1 though an additional conditional use process is necessary for the shopping center.

When Councilman Mergner asked for clarification of the Comprehensive Plan, the Planning Director stated that this is appropriate for its commercial designation.

Councilman Brooks asked the plans for the old batting cages and garage, PE Ring Lardner of Davis, Bowen and Friedel, explained the plan is to redevelop the old Putt A Rosa as a shopping center, which is a conditional use in accordance with the C-3 zoning category. The parcel being annexed has always been planned for an entrance into this project. The intent is to put the buildings and parking away from the creek. The area for the main entrance/boulevard will be going to the parcel, which is not in the City limits and the reason for the annexation request. Given that it is more of a commercial entrance, the C-1 is more appropriate classification and a residential classification.

The shopping center area to the north, will remain open, and is proposed as a buffer to the adjacent Feindt property. This

property will become the entrance that will serve both the apartment project in the rear and the commercial development that will be back before City Council subject to the approval of the annexation.

Mr. Lardner confirmed that all the apartments will be in the rear, which is east of this parcel.

He also explained that a variance was approved for the buffer. Referencing the map, he noted the number of wetlands, which will provide a natural buffer between the shopping center and the residential area. A landscaped screen will be provided though there is already a natural wooded area.

In addition, Mr. Lardner clarified the creek on the rear of the property is partially wooded as well. In addition, the road frontage will not be buffered because of the commercial use that needs visibility from the roadway. The main reason for the request to remove the buffer is because of the natural features that already exist.

Mr. Pierce again reviewed the request, noting that the C-1 would still accommodate and allow a small shopping center with an entrance and connector through to the apartment complex which would have its own entrance off Beaver Dam Road.

Chairman Brooks verified that each Committee Member was in agreement to move forward with the annexation.

*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*

Mr. Pierce reviewed the application stating that its Comprehensive Plan designation is future highway commercial and the request is for a C-3 zoning designation. The applicant plans to purchase the property and turn it into a medical office. The goal is to save as much of the existing home as possible.

The exact location adjacent to the new Bayhealth Campus on Route 30 was confirmed.

Mr. Pierce recalled that two of the houses in this area had originally requested annexation during the summer of 2017, but both property owners withdrew their applications.

As with the previous property, the home is on an individual well and septic system. The annexation agreement will have provisions that if it is continued to use as a home, until such time that sewer becomes technically available. Any residential or commercial development of the property will require a 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.

The single family home 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.

The future land use map shows this area to be converted to commercial at some point. 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.

Members of the Committee confirmed that they are all in agreement to proceed with the annexation.

Mr. Pierce thanked the Committee Members, adding that Council can expect to see the Public Hearings within the next couple of months.

Councilmember Mergner asked that during future reviews, an aerial be provided for a better visual.

Mr. Pierce agreed to finalize the annexation report in preparation of the signatures of the Committee.

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

The Committee Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 8, 2018

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 8, 2018.

PRESIDING: Chairman Douglas Morrow

IN ATTENDANCE: Committee Members: Councilman Mike Boyle and
Councilwoman Lisa Ingram Peel

Mayor Arthur Campbell

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

CALL TO ORDER

Chairman Morrow called the Committee Meeting to order at 5:33 p.m.

Public Works Director Mark Whitfield, ICMA Fellow Evan Miller and Assistant City Manager Suzannah Frederick were present.

Capital Improvement Program

Mr. Miller provided the following update on the capital program this year:

The Public Works Department's replacement front loader authorized by City Council on September 10th in the amount of \$158,209 has been purchased. Of the \$150,000 budgeted, the remaining \$8,209 will be paid from the sale of the old piece of equipment which sold at \$31,500.

The 1995 Aeri Crack Sealer has been purchased in the amount of \$51,583. Originally, \$70,000 was budgeted.

The replacement Ford F250 with a snow plow and salt spreader has been purchased for \$45,142. Of that cost, \$27,000 was budgeted last year and this year, splitting the cost over two years.

The Parks and Recreation Department purchased and received their Ventrac Tractor with mulching mower. After paying freight and shipping, the total cost was \$28,713 and the budgeted amount was \$27,000.

The Police Department purchased their two new police fleet vehicles totaling \$83,874, including the purchase price, upfits and lettering. Budgeted was \$87,100.

The air curtains for the Police Department were also purchased in the amount of \$6,570; the budgeted amount was \$8,000. Installation has not yet occurred.

The IT Department has purchased two of the three servers and all four firewall boxes budgeted. Total spent to date is \$42,864 of which \$49,000 was budgeted. One server still needs to be purchased.

Projects in progress or started:

The Electric Department started the work on Substation DEL 1 and DEL 2. This work involves testing breakers and regulations for preventative maintenance, oil adjustments and lubrication. There was \$50,000 budgeted for DEL 1 and \$75,000 for DEL 2.

Phase II of the Riverwalk light pole powder coat and retrofit is also active. The project involves removing light poles along the Riverwalk, having them powder coated and retrofitted with LED light heads and bulbs. There as \$35,000 budgeted though

more work is needed.

The GIS/mapping for the Smart Metering Project is also underway. The electrical engineer has completed the update on the electrical system maps. In the coming weeks, the maps will be uploaded into the GIS system. In order for the GIS to integrate, all smart meters and the GIS module for smart metering must be completed and installed.

The HVAC upgrade and repair, as well as the Phase II locker room/breakroom redesign for the Public Works Facility was approved by Council on August 13th. DBF has begun to design the locker room/breakroom. At that time, \$450,000 was approved with \$112,500 appropriated out of each Water Reserve and Sewer Reserve accounts and \$225,000 coming from Electric Reserves.

The Parks and Recreation Department are preparing to evaluate and make repairs to the South Washington and Southeast Front Street basketball court of which \$10,000 was allocated for that project.

Sidewalk Project Update

Councilmember Peel arrived at this time.

City Manager Norenberg referenced the following memo, after which Public Works Director Whitfield reviewed:

The Public Works Department has concluded sidewalk inspection on all collector streets and streets serving public schools. As requested by the Public Works Committee, a cursory inspection has been done on all sidewalks within the City.

A copy of the ordinance outlining the inspection standards and the program is attached.

City wide, approximately 3,215 blocks have been found deficient. For the area inspected in the Spring 2018, approximately 1,820 blocks were found to be deficient. Of those blocks, 185 are the City's responsibility (water meter pits, street signs, hydrants, utility poles, and sewer cleanouts/manholes). Therefore, property owners would be responsible for the repair of approximately 1,635 blocks.

In moving forward and because this is an initial inspection, staff recommends property owners where sidewalks are deficient are notified by letter of their responsibility in accordance with the ordinance. A draft of the letter is attached. The sidewalk blocks found to be deficient will be identified on an area map attached with the letter. No deadline will be listed on the letter.

Staff will rebid the sidewalk repairs, listing all sidewalks which are City responsibility as "guaranteed" work. They will include sidewalks that have a water meter pit, utility pole, sewer cleanout or manhole, hydrant, or street sign. Sidewalks on City property identified as needing repaired will also be included.

Formal notices will be sent to the property owners around March 15, 2019. Property owners will have until June 15th to complete the repairs. Repairs not completed by property owner by the deadline, will then be completed by the City in July and August 2019.

Property owner options for repair:

- 1. Complete the work themselves or hire their own contractor*
- 2. Leave City contractor do the work and City bills homeowner actual cost + 10%*

Property owner options for payment:

- 1. Repair sidewalk themselves and pay for material*
- 2. Pay their own contractor*
- 3. If City repairs, pay the City for contractor cost + 10% in full*
- 4. If City repairs, pay the City monthly over 5 years for the cost + 10% (question of interest be added)*
- 5. If City repairs, pay nothing and City files lien on property that is settled when property is sold*

The ordinance Section 195-5 D:

Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

At the present time, no funds have been established, nor has guidelines been established to constitute such assistance.

Chairman Morrow asked if Mr. Whitfield would determine how many property owners are associated with the 1,635 blocks. Once that is determined, he suggests taking that number and perhaps doing a poll to get a better idea of how many will prefer the City handle the sidewalk repairs. In that manner, he feels it would help lower the bid price received with a definite number.

The Chairman said that though he understands it will pay for the costs, but asked if Mr. Whitfield could be more specific to the 10% fee. Mr. Whitfield explained that is mainly for the inspection, engineering and billing staff/costs. That is the percentage charged to the developer/property owner to cover the costs associated with that specific project.

Chairman Morrow recommends the 10% be built into the cost.

Ms. Frederick added that she thought that was included years ago in the Code or Charter, but she is unable to find the document.

City Clerk Hudson stated it was adopted on a separate resolution and the reason it is not available in the Code.

Mayor Campbell suggests treating this as an exception versus the norm because of the situation. He feels that most property owners will elect the five-year plan, but will not favor the 10% fee.

Before that is done, the Chairman pointed out that the City needs to develop some type of criterion for low income property owners. In addition, it will need to be determined where the funding would come from.

He understands that is a lot of information, but would like to have that included in the letter.

Mr. Norenberg agreed and explained that the intent was to get follow-up information out this fall. A letter was proposed to be sent without any dates or prices so that residents could look at the map of their property and determine how many sidewalks needed repairs, based on the code. They could then contact the City and have the City Engineer meet with them, at the point there was no known urgency or deadline. That would provide enough information to help them decide whether they wanted to pursue the repair or wanted the City to handle.

Chairman Morrow likes that idea as well. He feels this is a touchy subject and the reason it has not been done though there was a plan to do this for the past thirty to forty years. He agrees it needs to be done, but wants to make sure all questions are answered.

It was confirmed that sidewalk repairs do not require permits. The contractor is required to have a contractor's license only.

When asked if there is any objection with sending the letter this fall, while staff continues to work with City Council to complete the low-income program and other issues.

Mr. Norenberg stated that when he sent the letter to City Council, he received feedback from Councilman Mergner suggesting some minor language changes. Other than that, there were no objections.

Councilmember Peel said she read it and the only concern was to fill the unknown, but that was before she understood the plan to meet with each property owner and answer their questions. She believes that some residents feel the ordinance is being changed and might wait as they are perceiving that to mean it will be changed so that it is the City's responsibility.

When asked if we are getting quotes, it was noted that was the intent with the initial bid announcement. Chairman Morrow

feels that once more data is received for a specific number of blocks, more concrete contractors will bid on the project.

Mayor Campbell prefers zero interest. Chairman Morrow stated that first, there are a number of issues that must be addressed before that can be determined.

Councilmember Peel does not want to deter residents from having the City do the work. In her opinion, the 10% is a deodorant. Public Works Director Whitfield explained that where he worked previously, more homeowners did not want to have to deal with the repairs. They understood that if the City did the work, an inspector would be on the job, and the work would be warranted for two years, for example. However, if a property owner goes ahead and does the work, that is less work on the City. There is less staff time and specifically the Inspections, Billing and Finance Departments do not have to be involved. So there is a higher cost.

Mr. Whitfield further explained this is a catch 22 for contractors. A lot of times, a contractor will provide an attractive price because they want to do them all. He has had other situations in the bid price becomes public, the other contractors know what the City is going to charge, and they go to the homeowner and negotiate for \$10 cheaper in comparison.

In consideration of those properties needing a lot of repairs, a discussion followed regarding whether or not a maximum should be added in lieu of the 10%. Councilman Boyle asked the Committee to consider possibly a flat fee/administration charge or reduce the 10% for those who need multiple blocks repaired. He is concerned with the additional fee a property owner may incur for a larger project, though they receive the same support.

Chairman Morrow reiterated that is the reason he prefers to know how many property owners are involved, versus just the number of blocks that need repair.

The City Manager agreed that specific information for each property is needed, in addition to an aerial map showing the damaged block(s). He is willing to put together some projections based on the maximum number of blocks expecting to be financing and the associated overhead costs. He informed the Committee that with any construction project an added 10% administration fee is very common though he is willing to fine tune that.

He is willing to work on that over the winter, once the next letter is mailed emphasizing this is the first of four phases.

Mr. Norenberg is unaware of any low income program though there is the possibility of applying for CDBG funding, if eligible under the income criteria.

Chairman Morrow asked who will be coordinating the project and recommends a name be added as the point of contact. The City Manager explained the City Engineer will be overseeing the work. Public Works Director Whitfield stated that there will be someone at Public Works assigned.

Councilmember Peel referenced the letter that states 'something may be changed'. She asked if that needs to be clarified. Public Works Director Whitfield confirmed that the Committee is satisfied with the current content as that was one issue and there was mention that the criteria in the ordinance needed to be changed.

Councilmember Morrow believes that was brought up because City Council as a whole, did not review the ordinance and they simply asked. However, they have since received a copy and he recommends asking Councilmembers if there are any questions. In his opinion, the code is very reasonable.

The questions being asked, and specifically about whether a sidewalk can be ground down if higher by one inch, are already defined. It was confirmed the criterion is similar to what other municipalities require.

It was also noted that the City will have someone inspect the sidewalk once the work is completed.

City Manager Norenberg stated that property owners can be advised that in early 2019, a formal notice will be provided with a deadline of when the work must be completed. Councilmember Peel said that will satisfy her because otherwise, the City

is leaving is open. She asked what will happen if Council wants to change who is responsible for repairing the sidewalks. Councilman Morrow agrees.

Councilman Boyle pointed out the code refers to panels though the letter speaks of blocks. It was agreed the letter would state 'blocks, also referred to as panels'.

City Manager Norenberg confirmed there were no additional concerns, and he will proceed with the changes in the letter, research low income program criteria and review the 10% fee and whether that is appropriate for one or more blocks. Chairman Morrow agreed adding that other language could also be considered.

Update/Water Code Revisions

Public Works Director Whitfield recalled some questions from the Committee members when the changes were discussed at the last meeting and provides the following responses (in red).

The Public Works Department is recommending several changes be made the Water Code including:

1. Establish a Schedule of Rates, Fees and Fines. Because rates, fees and fines may change on an annual basis, creating a Schedule of Rates, Fees and Fines would allow Council to change fees and fines by Resolution, rather than making a Code change.
2. Define curb "stop". Presently, the ordinance is vague and states "curb or curblines". The terminus of City responsibility ends at the meter pit or "curb stop".
3. Clearly define the temporary uses of water and where it can be obtained. This is not addressed in the present ordinance.
4. Backflow Preventer Valve. Require backflow preventer valve on all services (presently there is state legislation pending for this requirement. Backflow preventer valves ensures the safety of the water in the City system by preventing water from being siphoned into the system from private residences and businesses.
5. Fixture Units and Impact Fees. Presently we use Kent Counties flow per fixture units and impact fees based on Specific Assessment by Usage. Rather than changing the code every time Kent County changes theirs, simply refer to Kent County in the Code.

Additionally, staff is recommending the Finance and Public Works Committee consider the following changes, and provide input:

1. Increase fines from minimum \$25/maximum \$300 to \$50 minimum/\$1,000 maximum. **The proposed fines are in line with other municipalities in the area.**
2. Irrigation meters and connections. Should there be an impact fee charged for irrigation meters and systems? **City of Harrington charges the same impact fee for an irrigation meter as domestic meter.**
3. Irrigation wells/Agricultural wells. Presently, Ag Wells and Irrigation Wells are prohibited unless the lot is three (3) acres or more. Should the size of the lot be reduced, or the restriction eliminated? Staff has concerns with the potential number of wells drawing from the same aquifer in a small geographic area.

The number of parcels are as follows:

- 3 ac or more – 256 parcels = 3,813 acres**
- 2.5 ac or more – 302 parcels = 3,939 acres**
- 2 ac or more – 352 parcels = 4,049 acres**
- 1.5 ac or more – 426 parcels = 4,174 acres**

1 ac or more – 558 parcels = 4,327 acres

There are 6,247 total parcels in the City totaling 5,589 acres.

Irrigation wells pose two concerns for staff. One is the opportunity for cross connection to the domestic water supplied by the City; and the amount of water being drawn from the aquifer which may impact City wells. While the Code clearly defines that the water supply lines from the well cannot be connected to the City, and there are provisions to allow the City to inspect for cross connection. Most irrigation wells are shallow and do not pull from the same aquifer as the City wells, although that is not to say it may have an impact on the lower aquifers at some point.

On the plus side, the impact on the City's water system to serve irrigation for large lots would be significant. Lastly, the present provisions in the Code prohibit irrigation wells for the purpose of watering household lawns and gardens. The present Code allows irrigation wells for agricultural purposes only.

Both the Public Works Director and the City Engineer recommend the Code be changed to allow irrigation wells be permitted for lawns and gardens, and the restriction on wells be reduced to 2 acres or more.

4. Pond-Fill Well. The Code is silent regarding whether a well solely used for filling a wet pond within a subdivision is permissible. As long as the well is used for solely this purpose, Staff feels they should be permissible.
5. Water/Sewer Inspection Fee – presently there is a one-time charge of \$35 for the inspection. Unfortunately, staff is called multiple times for inspections. First, \$35 does not cover the cost of a single inspection and second, the intent was there would be at most, two (2) inspections. Staff recommends changing the ordinance to allow for a flat \$100 inspection fee which would include two (2) site inspections, and a \$50 fee for each inspection visit beyond the two (2). **The fee increase proposed appears to be in line with most other municipalities in the area.**
6. Account Set-up Fee – staff recommends that a \$50 account set-up fee be added to the ordinance to pay for the staff time in creating a **new City utility account. The fee would be charged only if there were no other utility accounts with the City. Presently there is a \$50 charge for electric service account. If a property already has an electric account, the City would not collect another \$50.**
7. Service Line Specifications and Permit. Presently, no language exists in the Code regarding the pipe installation and inspection from the structure to the meter pit (private property). This is not covered under the Building Code, and typically the City does the inspection on new construction as well as replacement lines. For new services, a permit is required due to the meter installation, however, no permit is required if a line is replaced. Staff recommends a new section to address **both the installation specifications and permit for service line replacements.**

Chairman Morrow asked how current irrigation wells exist now; he feels that number needs to be known before proceeding. Public Works Director Whitfield advised that the wells have to be registered with the State of Delaware. DNREC was contacted but has not yet gotten back with that information.

Committee Member Peel asked if Mr. Whitfield is comfortable making that recommendation based on the information in hand. He stated he has no problem with the recommendation. He is also aware there are some properties in the City that have irrigation wells, with less than two acres, that were grandfathered in.

When asked the long term water impact, Mr. Whitfield recalled another production well on Tenth Street is included in the CIP. That decision was partially based on the lack of production out of the Southeast well. Though the City currently is in good shape, there is a lot of growth occurring. For example, most of the houses in Milford Ponds are proposed to have some type of lawn watering system and are required to obtain separate meters.

Mr. Whitfield further explained that everything is filled at night. During the day, the wells are unable to keep up though they are refilled each night. The closer a development is to a storage tank is better. The next place needed a well and tower would most likely be in the northern area by our business park. That is due to some pressure issues on that end of town.

He also emphasized that Milford has a fair amount of storage in the air that is very adequate to serve the fire needs of the community.

Mr. Whitfield confirmed that additional wells will be needed as growth continues over the next ten years.

He stated it is rare for the City to supply water, but not electric. And the Woodshaven Development is an exception as they are provided electricity by Delaware Cooperative.

Committee Members agreed to proceed with the amendments. Mr. Norenberg said the next step will be to incorporate those changes for introduction at the next couple of Council meetings.

It was agreed to draft the ordinance with the decrease from three to a two-acre parcel size. In the meantime, Chairman Morrow asked that the information be obtained from DNREC.

Because it is a drain on the system, Chairman Morrow and the Committee Members agreed it is appropriate to proceed with the impact fee for the irrigation well. The Public Works Director said it may not be a full EDU though that needs to be determined.

Update/Sewer Code Revisions

The Public Works Department is recommending several changes be made to the Sewer Code. Changes to the Code include:

1. Establish a Schedule of Rates, Fees and Fines. Because rates, fees and fines may change on an annual basis, creating a Schedule of Rates, Fees and Fines would allow Council to change fees and fines by Resolution, rather than making a Code change.
2. Define "Cleanout". Presently, the Sewer Ordinance uses the word "curb" or "curbline" similar to the Water Ordinance. "Cleanout" or some other term should be utilized to establish a breakpoint for City's versus Owner's maintenance responsibility.
3. Define "City Manager" under Section 185-2 and include definition as "the Chief Administrative Official of the City as selected by Council or his duly appointed representative". Throughout the Ordinance, it states that "the City Manager shall cause specific work to be done" or "if required by the City Manager". As this is a position held within the City, this legally requires all of those items to come directly from that position.
4. If the City wishes to require any out-of-town customer desiring sewer service to annex into the City, this should be included under Section 185-3 of the ordinance.
5. Remove EDU & Fixture Count Tabulations. Presently we use Kent Counties flow per fixture units and impact fees based on Specific Assessment by Usage. Rather than changing the code ever time Kent County changes theirs, simply refer to Kent County in the Code.

Additionally, staff is recommending the Finance and Public Works Committee consider the following changes, and provide input:

1. Increase fines from minimum \$50/maximum \$500 to minimum \$100 /\$1000 maximum.
2. Water/Sewer Inspection Fee – Presently there is a one-time charge of \$35 for the inspection. Unfortunately, staff is called multiple times for inspections. First, \$35 does not cover the cost of a single inspection. Secondly, the intent was for there would be, at most, two (2) inspections. Staff recommends changing the ordinance to allow for a flat \$100 fee for inspection, which includes two (2) site inspections, and a \$50 fee for each inspection visit beyond the two (2).
3. Cleanout Installation Fee – Currently, the fee for installing a cleanout is \$300. Based on how I interpret the Code, the City

would be installing the cleanout. Costs for the materials alone are close to \$300. Staff recommends changing this to Construction Cost (Materials & Labor) plus 10% Administrative Fee.

4. **Service Line Specifications and Permit.** Presently, no language exists in the Code regarding the pipe installation and inspection from the structure to the City supplied service line from the main. This is not covered under the Building Code, and typically the City does the inspection on new construction as well as replacement lines. For new services, a permit is required due to connection to the sewer, however, no permit is required if a line is replaced. Staff recommends a new section to address both the installation specifications and permit for service line replacements.

Chairman Morrow and Committee Members agreed to proceed with the recommended change(s).

Cost of Service Study

Public Works Director Whitfield stated that the Public Works Staff did discuss the proposal with Utility Financial Solutions, Incorporated (UFS) to complete a Cost of Services and Rate Design Study for Water, Wastewater, and Solid Waste. They were unwilling to negotiate on the price. However, Smyrna, Lewes and New Castle all used UFS for water, sewer and electric studies.

The City of Dover is presently going out for proposals for fee studies on all three utilities.

The City of Harrington used a local engineering firm, KCI, out of Dover. Mr. Whitfield reached out to them for a proposal for comparison purposes as well.

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.

UFS, Inc. completed a similar study for the Electric Division in 2017, which resulted in a major rate structure change for City costumers. Staff believes it is in the City's best interest to ensure rates not only meets the needs of the City, but remain competitive with other Delmarva communities and allow the City to be an attractive location for future developers and businesses.

Staff is interested in feedback from the Public Works and Finance Committee on the proposal. If approved, Staff recommends the study be paid for using Water and Sewer Reserves, as well as Solid Waste operating funds.

Chairman Morrow appreciated the work Mr. Whitfield has done.

There being no further business, Chairman Morrow adjourned the Committee Meeting at 6:31 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 8, 2018

The City Council of the City of Milford met in Workshop Session on Monday, October 8, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:30 p.m.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

Transfer Development Rights Program

Planning Director Rob Pierce was in attendance. Mr. Pierce then introduced Scott Blair and Deputy Secretary Austin Short from State of Delaware Department of Agricultural.

Mr. Pierce reported that a similar presentation was provided to the Community and Economic Development Committee on July 24th. At that time, they recommended bringing it before City Council once more information had been obtained.

He explained that in 2008, as the Comprehensive Plan was being updated, as part of the development of the Southeast Master Plan, sewer, water, transportation and agricultural preservation were considered. At the time, there was concern of eastward sprawl that resulted in a number of discussions about implementing a program to create a greenbelt on the east side.

The Transfer of Development Rights (TDR) is a voluntary, incentive-based program that allows landowners to sell development rights from their land to an interested party who then can use these rights to increase the density of development at another designated location. The seller of development rights continues to own the land and have it permanently preserved as agricultural land.

A TDR program protects land resources at the same time providing additional income to both the landowner and the holder of the development rights

The City, State Planning Office, Department of Agricultural, DNREC and DeDOT agreed to honor the commitments and recommendations of the Southeast Master Plan which was incorporated into the 2018 Comprehensive Plan, adopted in January 2018. Chapter 7, Economic Development, Chapter 8 Natural Resources, Chapter 9, Parks Recreation and Open Space and Chapter 10-4A Future Land Use Categories all touch on the plan.

A map was referenced (attached) showing receiving areas and sending areas.

In the receiving areas, the City will allow residential development of up to three dwelling units per acre/by-right. In addition to this, developers will be given the opportunity to purchase TDR credits of up to eight dwelling units per acre. The majority of the undeveloped land in the Southeast Neighborhood is designated as Low Density Residential in the City's Future Land Use maps. The City anticipates a demand for higher density housing around the Health Campus which will help the program succeed. The sending areas have been identified for potential preservation. Development credits are calculated on the net developable land within the current Sussex County AR-1 zoning designation (in this area east of Route 1) or two dwelling units per acre.

The development rights of two dwelling units per acre would be purchased and those credits placed in a pool where they could be purchased by a developer. The City would sell the development credits within the receiving areas based on the established dollar amount per unit. That value would be established on a routine basis within the sending areas to ensure the TDR bank is properly funded.

An appraiser would be hired to assess the land east of Route 1 and a dollar amount per unit established. The City would then work with the Department of Agriculture to identify properties for preservation and the Department of Agriculture would purchase the development rights from the property owners with funds from the TDR Bank.

In that manner, developers would not deal directly with the farm owners. The City would hold the funds in a dedicated account until such time the easements were purchased.

Mr. Blair then spoke about the Farmland Preservation Program that was established in 1991 in the Delaware Code and first funded in 1995 to permanently preserve farmland in the State of Delaware.

The program is a voluntary two-phase program. There are approximately 47,000 acres in Phase 1/District Program. Phase 2/Permanent Easement has approximately 125,000 acres. That constitutes about 25% of all the farmland in the State of Delaware and is one of the most successful programs in the United States.

Mr. Blair explained that the first phase is the gateway into the program. A landowner/farmer will come in with a piece of land, fill out an application and staff evaluates it to ensure it meets the criteria. It then goes before the Agricultural Lands Preservation Board, appointed by the Governor and staffed by Department of Agricultural Staff. The board typically approves each property. Once that process is completed, the land owner agrees not to develop the property for a period of ten years. If land is still in the agreement after ten years, the owner can either withdraw from the program or renew for five additional years.

There is a reduction of property tax and unimproved portion goes to zero dollars. There is a protection against nuisance complaints, but the real reason for the first phase is to move into the second phase.

During the second phase, the development rights on the property are purchased. Once that is purchased, a landowner sells the right to develop the property to the State of Delaware and the permanent preservation easement becomes part of the property deed of record.

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

He further explained that any money received from the General Assembly is matched with Federal Funds and all three counties. Those in the district program have an opportunity to have an appraisal and three numbers are generated. The first is the fair market value and the second is the agricultural value (value just to farm). The agricultural value is then subtracted from the fair market value which results in a development right value. That value reflects if someone were to purchase the land and develop it, obtained every possible building permit allowed or how much the landowner could make if developing the land to its fullest.

Mr. Blair explained the next step is to meet with the Department of Agriculture's attorney to negotiate the value. A list is made with the highest discount, or best deal for the State of Delaware, at the top. The funding is received and the Department of Ag begins buying easements to preserve the land until they are out of money. Any land remaining is recycled until the following year. New applications are then submitted on a yearly basis and the process begins again.

If a property owner has made an offer for nine years and never managed to strike a deal with the State of Delaware, they can provide six months notice and renew for five years and continue to sell their development rights.

If permanently preserved, they go to closing at which time a permanent easement is placed on the property for perpetuity. That remains regardless of who owns it in the future, it will always remain a preserved farm.

He reiterated that 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. The farm would preferably be located within the City's designated TDR sending area.

If the City selects a District farm, it will potentially benefit from a discounted price due to a landowner discount. In addition, the Department of Agriculture 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.

He also shared a number of benefits of partnering with the Department Agriculture:

Assistance to the City in valuing TDR credits, to include making available Department of Agriculture's experienced licensed/certified real estate appraiser.

Department of Agriculture will provide pool of potential farms for the City to consider for permanent preservation (i.e. farms currently enrolled in the District Program).

Department of Agriculture will pay for all closing costs associated with preserving the farm (i.e. land survey, attorney fees, appraisal fees, etc.).

Department of Agriculture may be able to provide substantial matching funds in some instances.

Department of Agriculture will hold or co-hold (with Milford) the permanent preservation easement.

Department of Agriculture will monitor the property for compliance with the easement terms while having the resources to uphold the easement (i.e. legally in a court of law).

It was confirmed there are no other municipalities involved in this process at this time.

Mr. Pierce reiterated this is a voluntary program and presently, Kent County and New Castle County both have TDR Programs.

He explained that any developer who wants to build townhouses and apartments, is currently restricted around the new Bayhealth Campus area. This TDR program would allow that to occur.

Mr. Pierce believes the program would be successful because the City is being asked where they can develop moderate density residential if able to buy and transfer credits into the receiving areas. That would allow concentrated areas of development that reduce sprawl and City expenses related to infrastructure. It would improve the long term transportation needs of the neighborhood by creating higher density nodes in areas with transit oriented development.

The Planning Director said this has been on the books and there is a need to move forward. If not, the Southeast Master Plan needs to be changed.

Though it is only being suggested in the Southeast area, it could be expanded down the road for lands where neighborhood parks or open spaces could be preserved.

There being no further business, the Workshop concluded at 6:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

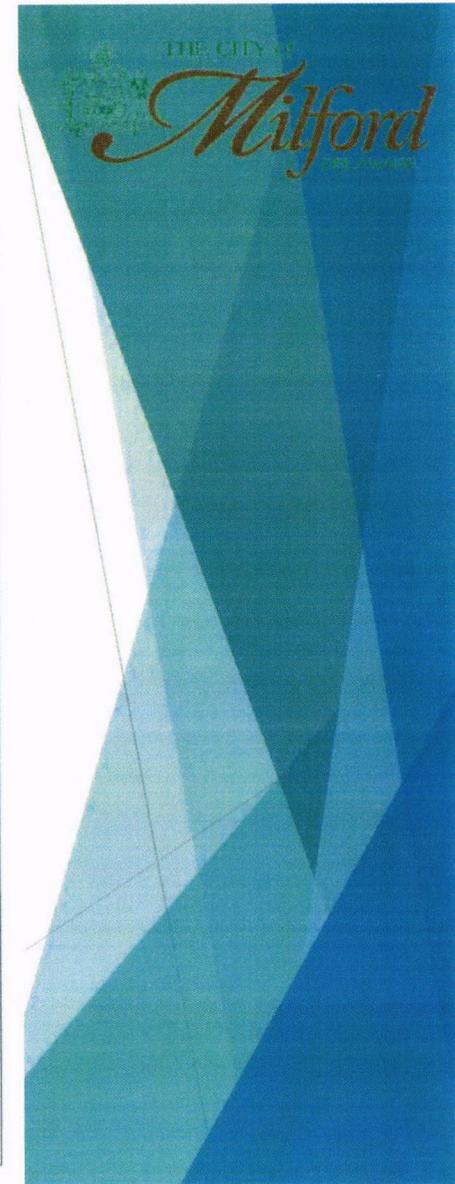
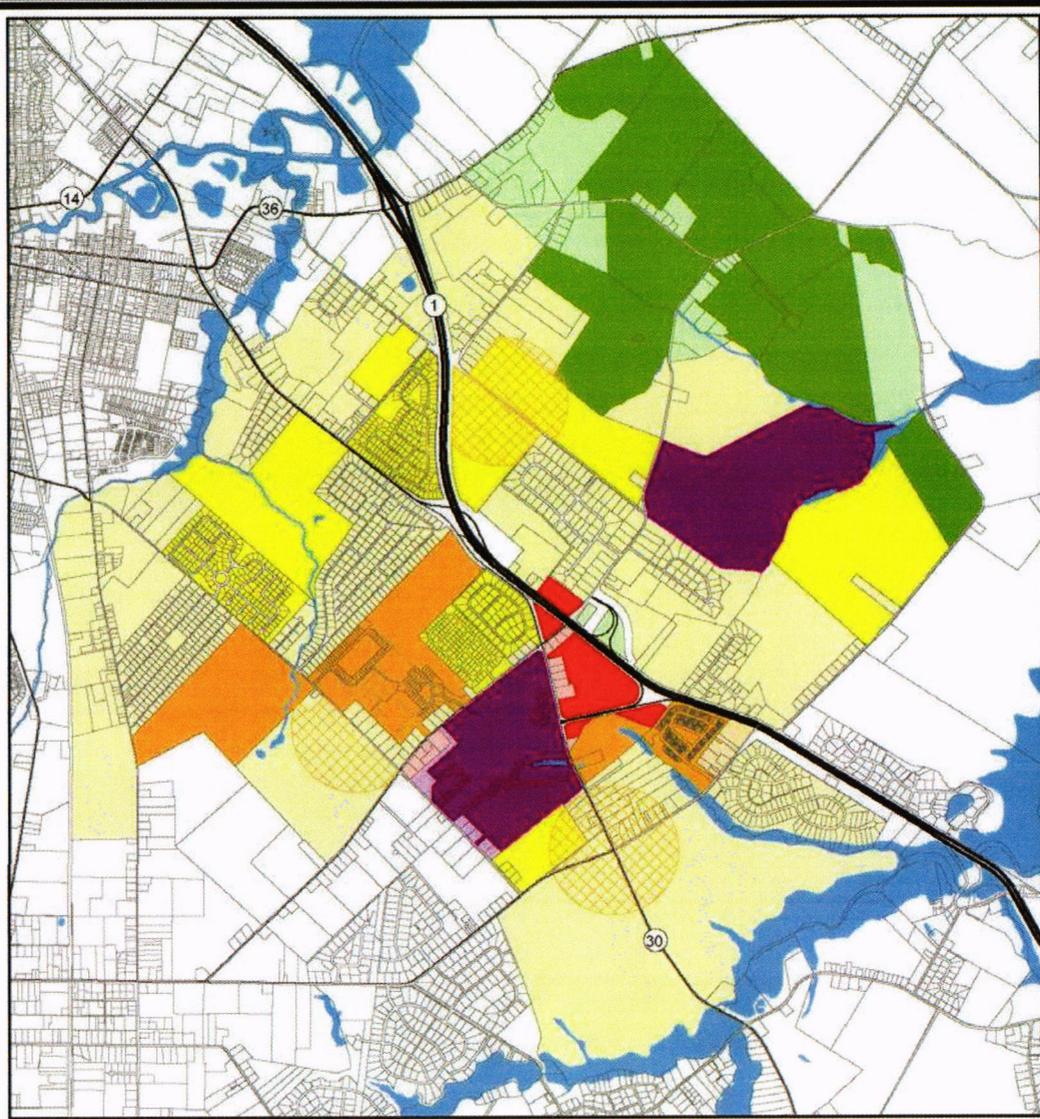
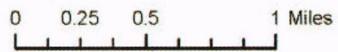
Attachment:
Southeast Master/Future Land Use Map

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



MILFORD CITY COUNCIL
MINUTES OF MEETING
October 8, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 8, 2018.

PRESIDING: Mayor Arthur Campbell

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

City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson (Out of State Conference)

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the September 10 and 24, 2018 Committee and Council Meetings. Motion to approve made by Councilmember Mergner, seconded by Councilmember Boyle. Motion carried.

RECOGNITION

Leslie Wuenstel, RN BSN, Co-chair of the Dysautonomia International Delaware Support Group requested the City of Milford

Proclamation 2018-13/Dysautonomia Awareness Month

Mayor Campbell read the following proclamation into record:

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.

The proclamation was presented to Ms. Wuenstel's grandmother, who was in attendance.

MONTHLY POLICE REPORT

Chief Brown and Police Committee Chairwoman Wilson were away attending the International Association of Chiefs of Police Conference.

There being no questions from Council, a motion was made by Councilmember Morrow, seconded by Councilmember Boyle to accept the Monthly Police Report as submitted. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report included in the packet.

He also reported that DelDOT will be closing the Route 1 northbound flyover exit ramp on the southeastern part of Milford beginning from approximately October 17th - 22nd while it is resealed.

Along with staff, he continues to evaluate the relocation of the City Hall staff presently working out of the Council Chambers. Presently there are four employees from the Planning and Code/Inspections Departments temporarily working here and the situation is not ideal for the public or our staff, noting the hundreds of boxes of records that exist throughout City Hall.

He also reported it is going to take a significant amount of money to have the basement waterproofed to ensure it is fixed permanently and that the area can continue to be used.

Mr. Norenberg advised that several other City buildings were considered, but for various reasons, including renovation costs, it has not worked out. As a result, it was recommended that a modular office trailer be put in the parking lot to allow other options to continue being reviewed. In the meantime, he is asking that Council allow Planning Director Pierce to research the information on the trailer. He compared this temporary situation to those that exist at schools, construction sites and other businesses and cities. Additional details will be provided at the next meeting.

No concerns with the plan were expressed by City Council.

Because of the waterproofing costs, a bidding process will be necessary and is presently being worked on by our City Engineer and the Public Works Department.

Councilmember Boyle moved to accept the City Manager report, seconded by Councilmember Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through August 2018, with 17% of the fiscal year having passed, 27% of revenues have been received and 15% of the total operating budget expended.

Motion carried by Chairman Morrow and seconded by Councilman Brooks to accept the Finance Report. Motion carried.

COMMITTEE AND WARD REPORTS

*Annexation Committee:**Gilbert C. and Irene D. Simpson Petition/Findings**Derek R. Parker and Shawn L. Bernhard Petition/Findings*

On behalf of the Petitioners and the Annexation Committee, Planning Director Pierce reported the favorable recommendation of the Committee to continue with the process. He will provide written reports to the Office of State Planning for their concurrence.

Gilbert C. and Irene D. 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

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

Both petitions will be later scheduled for Public Hearings before the Planning Commission and City Council.

Based on the Annexation Committee's recommendation, Chairman Brooks moved to proceed with the annexation of the Gilbert C. and Irene D. Simpson property at 5919 South Rehoboth Boulevard, seconded by Councilmember Morrow. Motion carried.

Based on the Annexation Committee's recommendation, Annexation Committee Member Peel moved to proceed with the annexation of the Derek R. Parker and Shawn L. Bernhard property at 7195 Cedar Creek Road, Lincoln, seconded by Councilmember Starling. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Special Council Meeting Reminder

City Manager Norenberg reminded Council of the Council meeting scheduled tomorrow night at 6:00 p.m. to address one item.

The packet also included some announcements of upcoming meetings.

UNFINISHED BUSINESS

Kent Economic Partnership Agreement Approval

City Manager Norenberg recalled Council of the April presentation by the Greater Kent Committee at which time the City of Dover and Town of Smyrna help fund a revamped Kent Economic Partnership (KEP). The KEP was being funded by both the private and public sectors. At that time, City Council agreed to budget the funds and over the summer, an agreement was developed (in packet).

He also noted that Councilman Mergner is Milford's representative on the KEP Board.

KEP Executive Director Linda Parkowsky introduced herself, along with Greater Kent Committee Member Bill Strickland

and Kent Economic Partnership Chairman Greg Moore.

Chairman Moore thanked the City of Milford and KEP Member/City Council Member Chris Mergner for attending their monthly meetings.

Mr. Moore explained that former President of the Greater Kent Committee Bill Strickland was instrumental in reorganizing the KEP by adding more business interest in order to have better connections. He also noted that Mr. Strickland was also instrumental in raising \$100,000 of business money to add to their finances in order to do more. In addition, he is President of DE Turf that has been instrumental in economic development throughout Central Delaware and particularly in Milford.

The biggest change in the KEP was hiring Linda Parkowski as a person who answers to the Board of Directors and not to Kent County. As a participant, when Councilman Mergner brings something to Ms. Parkowski on behalf of Milford, and give her direction on how to execute. The Board is seeing great returns, with a number of businesses that are interested in Milford and having them contact City Manager Norenberg.

Ms. Parkowski has a program whereby she is reaching out to every business in the County to ascertain what they need for support and continued success.

He concluded by stating the work in collaboration with all three municipalities, Kent County and the business community, has been rewarding and feels we continue to reap some great benefits as a result.

Ms. Parkowski added they are creating a business retention and expansion program and are out visiting businesses. They are soliciting information to determine what these businesses need, what they want and how this organization can make things better for them. In addition, they are trying to find out their supply chain in hopes of attracting those suppliers and businesses.

A new website is also being created which will be the foundation for a lot of the business attraction and programs, in addition to working with the individual municipalities. Some technology platforms will be utilized as targeted areas will be identified.

Next year she hopes to go out of the area to spread the word out about Central Delaware.

Councilmember Peel moved to authorize the Kent Economic Partnership Agreement for Economic Services, seconded by Councilmember Starling. Motion carried.

NEW BUSINESS

Adoption/Resolution 2018-18/Authorization to Submit DSWRF Loan Application

City Engineer Erik Retzlaff was in attendance and has been working on getting lead out of the fresh water system.

Mr. Retzlaff reported that a number of potential locations containing lead services. As a result, funding is being requested through the Delaware Drinking Water State Revolving Fund. An application was submitted and City Council authorization to submit the application is required. Once submitted, an offer will be provided for the funding terms after which the City would provide per the Charter requirements.

When asked if anyone from the public wished to speak, no one responded. Mayor Campbell then closed the floor to public comments.

Councilmember Peel moved to adopt Resolution 2018-18, seconded by Councilmember Morrow:

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.

Motion carried.

Introduction/Ordinance 2018-22/JGC&J Inc. Conditional Use

Mayor Campbell introduced Ordinance 2018-22.

Planning Director Pierce then reported this application will be reviewed following a Public Hearing on October 22, 2018 and involves a conditional use request for two billboards to be placed along US Route 113 between Redners and the DSWA Transfer Station.

Introduction/Ordinance 2018-23/Chapter 204/Taxation/Milford Lodging Tax

City Manager Norenberg introduced Ordinance 2018-23, as is authorized by the recent amendment to the City of Milford Charter by levying a lodging tax for the City of Milford.

The adoption is scheduled tomorrow evening at a meeting beginning at 6:00 p.m.

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

City Manager Norenberg introduced Ordinance 2018-27 which will amend the summer rates paid by City of Milford from June to September. This will align with the UFS recommendation that was included in the presentation to City Council in April 2017.

*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*

Mayor Campbell introduced Ordinance 2018-28. Planning Director Pierce explained this involves the final authorization of the annexation of the City of Milford's substation land owned by the City. A Public Hearing will be held by the Planning Commission and followed by a hearing before City Council on October 22, 2018.

Appointment/Parks and Recreation Advisory Board

City Manager Norenberg recalled Council adopting an ordinance creating a Parks and Recreation Advisory Board. Since that time, applications have been submitted. Following a review of the applications and interviews of the candidate, the following individuals are recommended by Mayor Campbell, with terms staggered in accordance with the Code.

Councilmember Peel moved to appoint the following members to the Parks and Recreation Advisor Board, with the term expiring as indicated, seconded by Councilmember Boyle:

Name	Ward	Term Expiration Date
------	------	----------------------

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

Motion carried.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:51 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:02 p.m.

MPD Teamsters Negotiations

Mayor Campbell announced that no action was needed as a result of the discussion in Executive Session.

ADJOURNMENT

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

Mayor Campbell adjourned the City Council Meeting at 8:03 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 9, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 9, 2018.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Eric Norenberg, Police Lieutenant Edward Huey and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

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

City Accountant Suzannah Frederick was also present.

INVOCATION AND PLEDGE

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

ADOPTION/ORDINANCE 2018-27/ELECTRIC TARIFF AMENDMENT/APPENDIX B/RESIDENTIAL RATES

City Manager Norenberg referenced the charter showing corrections to Year Two and Three of the Rate Plan presented to City Council last April. During that time, a rate study had performed a rate study and had met with Council and the Public Works Committee on three different occasions.

During the final presentation, they provided charts for each of three years for the various rate categories in the City. One of the key goals of the study was to analyze the cost of service for each of the customer classifications and get the rates balanced for the possibility of reducing rates.

Unfortunately, a week before the final presentation, another version of the document was submitted that included a change in the residential rates included in the ordinance. The original version had been included in the ordinance introduction and those residential rates were not updated in the ordinance adopted by Council in May 2017. As a result, the residential rate being charged to customers did not align with those presented to Council during the last presentation.

The City Manager asked that City Council adopt the Ordinance that were presented to City Council in May 2017. Customers will then receive a credit for the difference in those summer rates. With the reduced summer rates, the City would have compared to the rates being charged by Delmarva Power and in the middle of the other municipalities. Since discovered, City Staff has been working to incorporate the correct rates.

The 6,000 plus residential customers will receive a credit on their bill over the next several weeks. Anyone that is moving and/or who has closed their accounts since June, will be mailed a check to their forwarding address.

It was confirmed the credit would be displayed on the next bill instead of mailing 6,000 plus separate bills. A PDF version is available of those bills if anyone wants to review them.

Ms. Frederick responded by explaining that when a customer comes in and closes an account out, the meter tech will be sent for a final read. At that time, the bill will be calculated and the credit posted on her account.

All other electric classifications were billed correctly.

Councilman Boyle reported that he met with City Officials last week to discuss the concerns expressed by customers since the Smart Meters were installed. He asked the status of the work being done to gather data to rebut those charges or validate them.

The City Manager stated that the City has been working with a vendor and there has been no evidence to indicate there is a problem with the meter calculations/readings. They have been working to correct some software communication though that is unrelated to any reading issue.

He explained that a number of solar customers have used what was banked and their bill may have increased as a result. However, this is not related to the smart meters.

Councilman Boyle recalled that the information was going to be gathered and a report generated to address the concerns. A Workshop Session has been scheduled for 6:00 p.m. on October 22nd to include three topics related to electric and specifically the current rate design and three-year plan. An update of the smart metering project will also be provided.

The relationship between the City of Milford and DEMEC will also be explained.

Councilman Brooks said he spoke to the Meter Reader when he changed to the Smart Meter. He explained the process and informed him when it was up and operating. He took his phone out to get a reading at that time so there is a record. As a result, the City is covered in his opinion.

Mr. Frederick confirmed the City has more than 80% of the electric meters completed, though there are still a number of water meters to be changed out.

Councilman Culotta then referenced his June bill. He feels the amount of usage/kWh is very clear. He asked if the City could add the per kilowatt hour price so that the customers can better understand and make a comparison.

Mr. Norenberg noted that he and the Customer Service managers have discussed providing additional information to our customers and recalled a flyer prepared in 2013 about how to read the bill. However, their intent is to go into more detail and they are continuing those conversations though it may be a month or more before that can be accomplished.

The Customer Portal will not be available until after the Smart Meter Project is complete. Ms. Frederick explained the process adding that once the programming piece is in place, the information is currently available to the Customer Service staff will become available to each customer this winter. However, that is presently in the hands of AMP and the company assisting DEMEC, though her staff is anxious to have that in place as well.

Mayor Campbell asked if anyone from the public wished to comment. No one responded.

Councilmember Morrow moved to adopt Ordinance 2018-27, amending the City Electric Tariff, seconded by Councilmember Brooks.

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

Motion carried with no one opposed.

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 6:22 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 22, 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, October 22, 2018.

PRESIDING: Committee Member Lisa Ingram Peel

IN ATTENDANCE: Committee Members:

Chairperson Katrina Wilson
Councilman Mike Boyle

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

Call to Order

In the temporary absence of the Chairperson and the scheduled Council Workshop, Committee Member Peel called the Committee Meeting to order at 5:38 p.m.

Recommendation/Funding Authorization/Police Department HVAC

Chief Brown deferred to City Manager Norenberg for the information. As previously discussed, Mr. Norenberg reported there are a number of issues with the current police station including the HVAC system. An evaluation of the current system was recommended as a result.

Captain Gary Bailey had received a proposal from Gipe Associates, who is the same firm overseeing the Public Works Project. Included in the packet is a copy of the submitted proposal in the amount of \$6,900 for the Engineering Study/ Feasibility Analysis.

Mr. Norenberg added that this for informational purposes only because no competitive bidding is required due to the professional services and the dollar amount being below the required competitive bidding threshold. He recommends holding off the appropriation of funds until a final decision is made on the status of the new police station. If not, Council can approve the authorization for funding and determine what is needed to repair/replace the current HVAC system.

Mr. Norenberg explained that it is on the agenda for the Council Meeting this evening, should the Committee decide to move forward.

Downtown Policing

City Manager Norenberg referenced the following letter sent to Mayor and City Council from various downtown business and property owners signed between August 25, 2018 and September 5, 2018:

DOWNTOWN POLICING INITIATIVE

The undersigned are Milford property and business owners who would like to see increased policing undertaken in the downtown area. We think that the downtown is vital to the future of Milford in terms of the City's public image and as the location of most of its cultural activities. We are working to enhance its economic viability and ability to serve the shopping and recreational needs of local residents and out-of-town visitors. We fear that the continued viability of the downtown is threatened by the drug dealing going on in the downtown area and the high number of homeless persons congregating there. We feel that it will be difficult to attract more people to use and enjoy our downtown unless corrective action is taken.

We feel that we have a responsibility to act given that is in our own interest as downtown property owners and merchants. We are asking the government of the City of Milford to guide and assist us in this effort. We are asking that the City of Milford provide increased non-vehicular patrols in the downtown area. We would like there to be a clearly visible police presence

sufficient to deter drug-dealing and homeless loitering. We think this will require at least hourly foot and/or bike patrols on all major downtown streets from 9:00AM until 1:00AM daily.

We recognize that this will have a significant cost. And we are prepared to raise funds to help the City cover the costs by contributing funds ourselves, seeking grants from state and federal agencies and community fund-raising efforts.

We thus ask that the City provide us with a plan and time-line for implementing the police patrolling described above and an estimate of the amount of funding that the City would need for us to secure to implement the plan.

Chief Brown discussed this with Mr. Norenberg and it was agreed the Police Committee members discuss the matter.

Chief Brown said he has been providing as much foot patrol as possible and particularly during the events taking place downtown with at least one officer, but more often two officers.

From the letter, it appears the downtown merchants want this to be a full time position which he is unable to provide at this time.

Councilmember Peel referenced the letter which states an hourly foot and/or bike patrols on all major downtown streets from 9:00AM until 1:00AM daily and asked if Chief Brown is saying that this would involve an additional full-time person. Chief Brown said no and he may be referring to another letter plus he and Mayor Campbell have talked with some businesses at which time they had stated they want full-time police officers on foot downtown.

He reported that they also received a \$36,000 grant to provide foot patrol in drug areas though that is anywhere. The funds have been received already.

When asked the plan for implementation, Chief Brown said because of the recent shootings in the Banneker/Brightway Commons area, he is putting four officers on foot in that area. Councilman Boyle asked where Chief Brown is getting them from, considering he is already down three officers.

Chief Brown explained the problem isn't the funding, it is the manpower. He feels that perhaps they are asking too much from the patrol officers. The only way those duties are filled is when the officers are on off time. As a result, they are not getting enough family time and they are getting burned out. Once he hires the five additional officers, the department will be able to do more foot patrol.

When asked of the hiring status, Chief Brown explained that three started the academy in September so it will probably be April before they graduate.

When Councilmember Peel said she understands there was a response sent, Mayor Campbell referenced the following letter dated September 28, 2018:

*Ms. Milly Pederson
Josephine Keir Ltd.
27 S Walnut Street
Milford, DE 19963*

Dear Ms. Pederson:

City Council, the City Manager, Chief Brown and I are in receipt of the letter and signatures of area business owners you brought to City Hall regarding Downtown Policing Initiatives.

We appreciate your position and commitment to the Milford community and support your endeavor.

You have requested a plan, a time line for implementation, and a cost estimate based on adding hourly foot patrol seven days per week from 9:00 a.m. until 1:00 a.m.

The exact location(s) of the foot patrol is needed, first and foremost, in order to determine how many officers are required. Once the number of additional officers is determined, the police department will calculate the cost of hourly foot patrols for sixteen hours per day for 365 days. With this information, we can then determine the annual costs associated with this initiative. As part of the overall plan, ongoing funding sources will need to be identified so as to ensure funding for the initiative beyond one year.

Once funding is secured, we anticipate being able to hire the determined number of officers. Officers typically require 22 weeks of police academy training and upon graduation will be ready to begin their assignment.

Again, thank you for your commitment and we look forward to working with you to accomplish this initiative. Please do not hesitate to contact my office if you have any questions.

Mayor Campbell stated that he was under the impression that one of the property owners was collecting money to support this initiative.

Councilwoman Peel said she has a concern about whether we are able to provide the best police assistance to people who contribute or pay more. For example, if she wants a police officer to ride by her house more, will she have the option of paying more money for that.

She said if the downtown merchants have a demand, and the community finds out they paid more money and therefore, they receive more police power, what happens when others can't afford to pay.

Mayor Campbell explained that it was agreed not to do it that way. There was a recent meeting about the homeless that became a crime problem discussion involving 40 to 50 people. They also felt we needed more police presence in the park areas because people that used to walk the parks are afraid to use the Riverwalk. Some have been called names and have been threatened and there was even one attack incident. Another incident involved a dead pigeon with a threatening note.

One of the residents committed to obtaining a great deal of evidence about the use of park, pictures, etc. However, it was determined that people cannot be simply told they are unable to hang out in the parks or downtown though they continue to chase a lot of people away.

After some consideration, it was agreed that an officer doing foot patrol in the park and downtown areas at the same time would be helpful.

She recalled a recent police operation that was geared toward illegal activity that was occurring in the parks. Councilmember Peel asked Chief Brown if that helped. He stated that for the short term, it has helped adding they will continue doing that. Unfortunately it cannot be done all the time even though they expect someone to be there all the time, which is impossible.

Councilmember Peel asked what type of strategy Chief Brown has and whether he has considered a change in scheduling or how he may redistribute the officers and use them for foot patrol based on the current numbers. Also, at what point would the three new officers be available which would provide additional manpower which might address the need in this area. Chief Brown reiterated that currently, it is very hard and even with his current officers, one is out on FMLA. One just got back from FMLA and in both cases, we are losing those officers for three months at a time. In addition, some are in the military and that training takes them away. Last year, he lost an officer for three and a half months.

He said those are some examples of the situations that create a shortage of officers. He struggles to just maintain the numbers for regular patrol and the reason to increase by five officers. Once they are up and running, he hopes that will help a lot and these other issues can be addressed.

Councilwoman Peel asked if Chief or someone in his department would be able to provide information of his total number of officers, what they are doing and where they are. For example, what their rotation is and how many people are scheduled each shift, how many are off and how that might look for the implementation with the grant.

She feels that if our residents and merchants know that is coming and that the police department is trying to hit all the key spots in a strategic way, they may understand a little better.

Chief Brown does not want to give a false impression that all we need is five officers to automatically be downtown. Those five officers will only catch them up or get them to where they should be with full patrol shifts.

Councilman Boyle said it appears he is not there yet because as he indicated previously, he is losing two and one was just terminated. Therefore, they are three overall and the three in school will only compensate for the three he is down now.

Councilmember Peel asked if two more positions have been funded that could be filled and Chief Brown stated yes. His plan is to send two to three to the New Castle County Academy that begins in December.

When asked how the applicant testing went this past weekend, Chief Brown explained that fifty-six letters were mailed and of the thirty applicants that showed up, fifteen remain in the process after the written test and physical agility. He is hoping to fill those positions in the December Academy from this batch of applicants.

Chairperson Wilson arrived at this time, along with Solicitor Rutt.

Councilman Brooks also arrived.

Chief Brown said they are still expecting one of the officers to be hired by New Castle County Police Department as he lives up there and that will create another vacancy.

Councilman Culotta arrived at this time.

When discussing the ability to provide a plan for the number of officers currently there and creating a plan with the potential for the additional officers when the warmer weather returns and she hopes the colder temperatures will curb some of the activity. Her thought is that in that way, at least the City is entertaining a discussion and looking for a solution.

Providing a synopsis of the discussion, Councilwoman Peel feels it may be a good idea to pull the downtown merchants that submitted the letter and let them know the circumstances or at least write something to the effect that this is where we are with policing, staffing, etc., and we have a plan to continue to build our force. Chairperson Wilson said that sounds great.

She then apologized for being late due to training in Wilmington and related traffic.

Mr. Norenberg feels that a lot of the merchants that signed the letter participated the master planning and visioning sections held in 2015. One of the recommendations at that time was to create a Business Improvement District or a Downtown Improvement District to generate regular ongoing communication. When the letter states they are willing to donate and chip into the costs of paying for policing, that does not sound like a reliable ongoing source of funding. Many Business Improvement Districts help generate funding for other things such as litter pickup, regular snow removal, etc. so that it is consistent throughout the area.

Another idea that has discussed is if there may be an option to supplement security with non-sworn officers or others that could provide a deterrent presence and possibly randomly intersperse with the sworn officers. For example, if you look down the Riverwalk and see someone in a uniform, that may deter something regardless of if it is a Milford Police Officer or someone from the Senior Patrol or a non-sworn officer. However, they may have a radio or are in contact with the dispatcher if there is a problem.

Councilmember Peel feels it is important that these merchants understand our limitations because it is stressful on those officers who are having to work overtime. At the same time, he can present a plan moving forward showing the benefit of the additional officers in moving forward. He only concern is that our policing is equally distributed and not just for those that can pay more.

Chairperson Wilson emphasized that she totally agrees with that thought.

Councilmember Boyle recommends thanking the merchants for their concerns and their offer to help though the City is unable to handle in that manner because it will show inconsistency and a fundraiser would really be inappropriate in this situation.

Councilmember Peel feels we still need to talk about the fact we are in the process of expanding and are trying to build a bigger police force.

Chairperson Wilson stated that it has always been important for people to understand that this is a Council made up of different ward representatives, but overall, everyone is representing the City of Milford. Many times, council members are being asked to focus in one particular area. In her opinion, it must always be made known and clear that the entire city must be protected. In many cases, certain individuals may not be aware of activities in other parts of the city. She always conveys that to citizens who have previously uniformed themselves, though these other pockets may not be uniformed, but their issues and concerns are just as important to City Council as a legislative body.

Status Update/New Station Architect and Engineer Screening

Mr. Norenberg reported that six proposals were received this summer of which two finalists were selected. Those two firms were interviewed on October 11th by Police Committee Chair Wilson, Planning Director Rob Pierce, ICMA Fellow Evan Miller, Chief Brown and the City Manager. All agreed that one firm would best meet the needs for the department.

The next step is to discuss the two-step contract. The first to develop site plans and options for the site which would be presented to City Council for further action. That information would then be prepared for the potential referendum at which time voters would decide whether or not to proceed with the new police department.

Mr. Norenberg emphasized the need to keep the public involved with ongoing communication to make sure we are providing the correct information.

The City Manager suggested skipping the Executive Session in order to proceed with the Council Workshop at which time the site acquisition of the second property was going to be discussed.

Chairperson Wilson asked if Councilmembers Boyle and Peel received a copy of the presentations from the architect and engineering firms. City Manager Norenberg said he will make sure a copy is provided to each.

Adjourn

There being no further business, Councilman Boyle moved to adjourn the Police Committee meeting, seconded by Councilmember Wilson. Motion carried and meeting was adjourned at 6:03 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 22, 2018

The City Council of the City of Milford met in Workshop Session on Monday, October 22, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:06 p.m.

PRESIDING: Mayor Archie Campbell

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

City Manager Norenberg recalled the need for updating our newer Councilmembers about how we operate our electric utility, DEMEC's involvement and a brief review of the AMP project.

Customer Service Manager Debbie Johnson and Jennifer Anderson from the City Electric Department were in attendance.

DEMEC & City of Milford Relationship

Patrick McCullar, President of Delaware Municipal Electric Corporation (DEMEC), was in attendance and provided a presentation by reporting the following:

The joint action agency was created thirty-nine years ago and Milford was one of the founding municipal members that acted on legislation passed by the State Legislation in 1978.

DEMEC exists as an extension of Milford's municipal electric utility. The mission of the nine-member joint agency is to make those communities successful in providing electric services. Eight of the members receive 100% of their electric requirements from DEMEC through full requirement contracts and seven participate in DEMEC's existing Beasley Generation Project. The City of Dover receives partial services.

DEMEC's power supply value comes from a portfolio of existing self supply generation assets, staggered short, medium, and long term power contracts, and spot market purchases. This portfolio provides low-cost, economic wholesale power supply to its members. It is risked-based which means they are obligated to meet a 90% hedge portfolio.

Milford and the other eight members understand that joint action is the most productive way to handle their electric utilities. Outstanding efficiency and tremendous economy come from pooled resources. An efficient vehicle to finance, build and acquire power supply is offered. When an electric infrastructure is needed, DEMEC can finance it through the power supply rate to the member, which free up the member's borrowing for other municipal purposes. The City of Seaford recently upgraded the backbone of their electric system at a cost of \$9 million. DEMEC financed that project for them over a fairly long period of time.

DEMEC also implements and manages policies including renewable portfolio standards, energy efficiency etc.

The aggregation of power generation and related services provides higher reliability, lower costs, more efficiency and community benefits and services. DEMEC is proud that every extra dollar stays within their communities because there are no stockholders and no external parties to pay.

DEMEC provides stable prices to the communities to ensure the electric supply costs will be fairly firm. They meet projected demand growth and are obligated to ensure the power supply is available regardless of how each community grows

or customer numbers increase.

Training in technology and best utility practices are provided to all members, along with the promotion of public power through education in various forums.

DEMEC also serves as a technical resource to federal, state and local elected officials who have to make laws. A complicated and challenging industry is essential for modern civilizations. America's quality of life depends on electricity. The industry is rapidly evolving with regulations, changing the way in which technology is handled. Regulations of the Federal Energy Regulatory Commission ("FERC") and PJM Interconnection are always increasing and DEMEC handles that interface.

Today, the world is highly connected through a web of devices and it is DEMEC's responsibility to figure out which technology will be the most beneficial.

The components of power supply include a fixed component and a variable component. The fixed component is capacity, which is the ability of an electric generator to produce a kilowatt of energy when needed. Transmission is the infrastructure such as wires and transformers that are needed to move the kilowatt. Distribution is the system's capability to deliver that kilowatt to the customer when called upon. Before one kilowatt hour can be delivered, all rules and regulations within the industry must comply.

Essentially, there is only one variable cost which is the energy itself. Customers demand it and it must be supplied. Previously it was thought that energy consumption was always going to grow. But presently, we are in a world where customers can install their own generation. As a result, electric companies are starting to see an impact. Consumption by many customer classes is starting to be reduced. It is also one of the reasons for rate structure changes. In the past, the variable component was used for most of the cost recovery. Because that is no longer dependable, it is more important to put parts of those fixed costs into a fixed rate and alleviate the variable.

Through a combination of investments and generation assets over the past eight years, DEMEC has been able to reduce its members' costs for power supply by 18%. Approximately \$300 million has been invested in generation assets that will serve for thirty plus years. They believe the value will be there long term, thus preventing the need to rely on the variability of market pricing.

The investments better position DEMEC to mitigate the other risks in the industry and deliver a cost as reported with no negative surprises.

DEMEC will continue to seek assets and services that benefit member communities with the objective of bringing the lowest cost power supply.

DEMEC has two major assets—the Beasley Power Station, a 100MW NG combustion turbine in Smyrna and the Fremont Energy Center in Fremont, Ohio, a 100MW NG natural, combined cycle gas that will serve for decades.

Other assets include wind and solar facilities. One of the big ones is the Milford Solar Facility on the Milford-Harrington Highway that contains 62,000 panels and produces approximately 15 megawatts of electricity during peak production. Last year that facility provided 9% of Miford's power supply.

In addition, they have 69 megawatts in wind generation located in the hills of Central Pennsylvania. Having inadequate wind capability to have utility scale wind turbines is one of the downfalls of Delaware and the reason for the wind generation from Pennsylvania.

In total, 16% of the power supply to DEMEC members is provided from renewable resources. That percentage will grow to 25% over the next couple years.

Customer attitudes and behaviors as they desire more renewable energy. Customers want self-generation from solar, wind, etc. in their communities. As a result, DEMEC facilities also have solar interconnections.

Customers are more interested in energy efficiency and DEMEC has a new program to promote that by helping customers achieve savings.

They want more information about how they use power and where it comes from. The AMI deployment currently occurring in Milford and Seaford, is moving toward that kind of connectivity and data management. That will allow customers to look at a portal on their computers to determine how they are using energy and how they want to use energy in the future.

Cheap power is all customers' desire and DEMEC is doing well with ongoing reduced costs. Customers want to be independent but also want the reliability of being connected to a grid. Should, their own generation stops working, they want assurance their lights will not go out.

Milford's distribution system, with DEMEC behind it, is a resource enabled to listen to their customers' wants. The system is configured and operations meet those wants and needs. DEMEC actively works with members and customers to meet the varying special and individualized needs, including helping industrial customers stay and grow within the community.

Mr. McCullar concluded by stating that DEMEC's commitment is 100% member focused. DEMEC is an extension of Milford's utility and exists to serve its customers. They are always available to respond to Milford's needs by providing reliable and economic power supply. Also, by delivering the benefit of investments and generation assets to keep prices low and stable. They will continue to provide resources, technology and industry knowledge as they watch over those they serve while always improving their operations in Delaware.

Electric Rate Design

Dawn Lund, Vice President of Utility Financial Solutions (UFS), provide cost of service studies and financial plans for utilities across the country, Guam and the Carribean. They are also the instructors for American Public Power Association Cost of Service and Financial Planning.

She noted that UFS was the firm that conducted the cost of service study in Milford. During the studies, they rolled three studies into one. One is a five-year financial projection based on where the utility is today, compared to key standards/targets across the industry. Also key financial targets are considered as to where the utility should be. This provides a plan of where the city is today and where it should be in the future.

The financial projection should be updated every year with the annual budget process. The main three targets are operating income, debt coverage ratio and the minimum cash reserve balance.

Another part of the study involves the five-year financial projection, is a cost of service study. The expenses of the utility are examined and unique cost drivers are used specific to Milford's utility as allocated to the proper customer classes.

The cost of service study should be done every three to five years or when there is a major change in operations.

The third part, which builds upon the cost of service study, is the finance projection, cost of service study and the rate design. The cost of service study says where we need to move to with the rate design. But rate design also takes in other unique considerations from the City Council.

She explained the cost of service study is a defensible document that actually takes Milford's specific costs and allocates what is called the revenue requirements to each specific class. This provides a fair and equitable way of distributing the cost the utility incurs.

The cost of service study ultimately provides the perfect rate structure. Rarely does a utility charge a perfect rate structure though utilities constantly strive to work toward that.

Ms. Lund shared that the cost of service study makes sure expenses and depreciation are considered for later capital expenditures. It also makes sure the utility is recouping the full revenue requirements for the long term financial health of the utility.

In addition, it provides the 'perfect' (strived for) rate structure and what each custom class should pay for a customer charge, a kilowatt hour and demand, when appropriate.

It addresses cross subsidies between rate classes. For example, is the residential class subsidizing the commercial class or does the industrial class subsidize the residential class. That is why it is important to have the cost of service studies done every three to five years.

All three scenarios were part of the Milford study. A rate recommendation was recommended over a period of time to make sure proper price signals have been set. Ms. Lund emphasized this will fairly and equitably recoup revenue requirements for the long term health of Milford's utility.

When asked if interim monitoring is done between the three and five years, Ms. Lund noted that the five-year financial projection laid out by projected revenues, projected expenses, and compared to key standard industry targets, operating incomes, operating incomes, debt coverage ratios, rate of return, ensure it is in line. Any changes in expenses and capital can impact the recommended rate track. That is why they recommend the five-year financial projection once a year during the budget process.

The cost of service study results can help guide the rate track and rate design. A major change would be an amendment to the purchase power contract, more generation or a distribution project that would shift all those costs.

American Municipal Power (AMP) / Smart Metering

AMP's CIO Brannon Kelley shared that AMP is also a Joint Action Agency founded in 1971 in Ohio. Originally named AMP Ohio, it served municipal electric systems within the State of Ohio. Growth in the last twenty years expanded into other states and in 2011, DEMEC became a member.

AMP is a nonprofit and a member organization that is part of PJM Interconnection LLC and the MISO (Midcontinent Independent System Operator, Incorporated).

The organization was founded with the purpose of providing generation, transmission and distribution of electric power and energy to its members at lower costs. This purpose is served through joint ownership of electric facilities, pooled buying power in energy markets and finding additional means of generating, transmitting and distributing electric power and energy.

They are a projects-based organization and are dedicated to member services. Almost all projects, with the exception of some safety matters, are subscription based.

Around 2009, some grant money was made available through the stimulus package that allowed communities to become early adopters of AMI and Smart Grid. Some members joined, but because there were so few participants, items were being over sold and under delivered, with less emphasis on the integration and data. The main focus was to get meters out in the field.

AMP combined member requirements and in 2016, the AMP Board of Trustees initiated a project to develop the AMI (advanced metering infrastructure) program which allowed members to benefit from a shared service offering. Representatives from eleven communities, along with AMP staff, reviewed requests for information and proposal responses, through workshops and vendor software demonstrations. The process engaged more than twenty vendors of AMI technology and service providers, and the extensive research resulted in the selection of ElectSolve Technology Solutions and Services, Silver Spring Networks and BlueBridge Networks. ElectSolve offers advanced meter data management solutions and technical services to public power utilities, at a discount, through its alliance with Hometown Connections, APPA's utility services subsidiary.

AMP's AMI program reduces both costs and risks by enabling members to acquire meters and communications components under an aggregated purchasing agreement with its vendor/partners. The program provides the back office applications, IT infrastructure and supporting staff as a shared service. AMP's AMI program will maximize value to participating members by providing overall program and individual deployment oversight.

Milford signed a ten-year program. Upgrades to aging metering environment were needed to the City's utility operations. Its existing Itron system was old and was no longer supported. AMI data enhanced utility operations involving better analysis, system loss improvements and enhanced outage response.

Being a meter to data center, everything from the acquisition, to the install of the meter, all the way through the ten-year operation of the software, the technology, the storage, disaster recovery and cyber is included.

Partnering with AMP/DEMEC benefitted the City. There is no need to incur the expense of a separate market analysis via RFI/RFP by a retained consulting firm.

Collaborative efforts with other AMP and DEMEC Members provided a better service to customers and the ability to provide customers their hourly electric and water usage information via a web-based portal.

The hardest piece of the project is the integration of the software, between the data in the billing system and the long-term ten-year operation of storing and providing that data, while turning it into actual information.

Mr. Kelley talked about how solar, electric vehicles, battery storage and other items can potentially disrupt the industry. She stressed that consumers want to be self sufficient.

He stated that they understand that meter-to-cash is most important to the utility in the city. But they want to make sure there was a platform to allow Milford's utility to grow and expand as needed.

While power supply remains the primary mission, AMP offers a wide variety of other services to help members provide top quality municipal utility services to their customers. He emphasized that AMP's AMI program provides the economies of scale that give members the opportunity to install state of the art technology with lower costs and reduced risk.

AMP's CTO Jared Price then addressed Council, recalling that Milford business drivers for AMI were shared with City Council during the initial presentation. First and foremost, upgrades were needed to the aging metering infrastructure. The existing ITRON reading system is no longer supported. Many of the meters were twelve years and older, and needed replacing.

He commented that newer meters are much more accurate. In some cases, other municipalities have meters that are thirty and forty years old. The outcome is a big loss of accuracy. Two-way communicating meters are vital because data can be obtained on a regular basis.

Previously the meter was read once a month. With the new smart meters, that read can be acquired every hour and in an electric meter, every fifteen minutes, or on demand. If a customer calls in and states that their meter is wrong or high, the customer service representative can click a button and look at the current meter read to help them understand what is contributing. In the pre-AMI world, it was very difficult to understand why there was a high usage period during the month and what contributed to that because there was no way of determining when it happened.

The data can also be used for other operations with the data and analytics and is where AMP hopes to continue to add value in the program.

It is believed that the system losses in both water and electric can be better managed and calculated thru real time usage review.

Another advantage is the ability to provide utility staff with information of which customers do not have power. Previously the City had to wait until the customer reported the outage before crews were informed.

AMI provides a platform for smart city operations through a high bandwidth/high performance network in Milford. That means it can support other things such as streetlighting control, sensor-based data, SCADA operations, etc.

Partnering with AMP/DEMEC has a number of benefits. Mr. Price said there is no longer a need to incur the expense of a consulting firm to do an RFP. Instead, that can be done thru a collaborative effort with other AMP & DEMEC members.

The main focus is to provide better service to customers which ties in the data concept on a web-based portal by providing hourly electric and water usage.

Mr. Price stated that though preplanning activities, the Milford project officially kicked off the second quarter in 2017. Since then, AMP has had bi-weekly project meetings with its electric staff.

The actual electric meter deployment meter began in May and the water meter deployment followed.

He pointed out that every project has issues though AMP and DEMEC continue to work with the Milford team.

Presently there is one major hurdle on the wall-mount radio modules with the water deployment though they are close to a resolution.

As of October 5, 2018, there are 6,312 electric meters deployed and he believes there are more than 7,000 today. That leaves 500 more to be installed. More than 1,200 water meters have been deployed to date. That will continue through the end of the year though the electric meter deployment should be completed within the next month.

The rollout of remaining applications and system modules including the customers' portal, will continue through the first six months of 2019. City billing staff is using the system today and the data is being used on monthly bills.

The last module deployed will be the customer portal. That will be done after all meters are in and testing and data confirmed prior to its availability to Milford's customers.

When asked if the meters that belong to customers with solar panels will be replaced, Mr. Price explained that any customer with solar panels must have a net meter that supports power flowing in and out or solar. One of the requirements is to have net metering time of use rates for solar customers. The new meter will be able to register not only the electricity they receive, but also what is delivered.

Mayor Campbell asked if the new meter will remain interconnected to the power grid. Mr. Pierce said that is a question for the utility staff though it would register both the amount of energy consumed from the power grid, as well as the electricity that customer's solar system feeds back onto the grid, in comparison to only measuring the consumption of electricity.

Councilman Boyle referenced the old equipment that is being replaced, and asked if there is any data that supports these meters were less accurate.

Councilman Boyle reported there have been a lot of concerns from customers who felt their electric bills were increasing due to a higher number of kilowatt hours. Many residents feel they have used an extraordinary amount more in comparison to a year or two ago. He asked if this means the smart meters are a better and more accurate system when compared to a less reliable equipment.

Mr. McCullar informed Council there is a lot of industry data that has been accumulated from utilities throughout the United States that is used as a baseline. The actual data from Milford can be reviewed as the meters are being replaced.

Mr. McCullar emphasized the fact that these meters operate in real time versus periodically. A backcast can be done using the data which proves its own accuracy. The amount of losses can then be reviewed, that are currently now nonexistent.

Councilman Boyle said if there is a significant difference between the old and new meters in terms of accuracy, and asked if an adjustment can be made to better reflect the actual usage based on more accurate data available a year ago.

Mr. McCullar explained that when the annual update is performed, the City would take into account the load that is being billed and the amount of kilowatt hours being billed. That then becomes the denominator for the rate. If a higher consumption is found as a result of customers using more, or because meters are more accurate, that will be included in the annual review of the rate structure. For example, a 5% gain in registration, is a potential 5% increase in the denominator

which would lower the total rate recovery the system requires. That could result in an opportunity for a rate reduction.

Mr. McCullar said that is part of the data that would be reviewed on an annual basis.

Ms. Lund then explained that would actually show up in Milford's losses. They looked at Milford's losses when UFS did the cost of service study. Whatever was billed was compared to what was purchased or produced, thus resulting in a loss.

She pointed out they know what Milford's losses were from the cost of service study. Milford will now be able to do a trending, which should show an improvement theoretically.

Councilman Boyle confirmed that should be available when the program is fully implemented and asked that information be tracked.

Mr. Norenberg added that one of the adjustments made, independent of the other corrections, was a small power cost adjustment, which was a negative. For 2018, the per kilowatt hour rate purchased from DEMEC was less than what was originally projected when the UFS study was conducted. As a result, that savings was passed onto our customers. DEMEC operates on a calendar year basis and is currently in their budget process which will result in updated rates for 2019. At that time, the City will work with UFS to provide updated information on the year three rate design approved a year and a half ago.

Mr. Price added that a lot more frequency of data will be available through fifteen minute intervals. They have been working on developing reports that can be used to insure more accuracy in a rate forecast.

He also reported that the system has a loss analysis component that can calculate those losses by way of a formula. For example, what is actually used, versus what is billed out to determine the loss analysis, will provide what is occurring at the time of the loss. The City could then use that data to pinpoint where in the system that is happening to better manage the distribution system.

Mr. Price pointed out that the meters are being replaced, but essentially 12,000 sensors are being added to the distribution system that had very few in the past. As time goes on, a lot more value will materialize.

Mayor Campbell then asked how Milford's UFS rate design interacts with DEMEC. Ms. Lund explained that UFS looks at the pricing signals DEMEC is sending Milford through their purchase power contract. They then send pricing signals through the rate design. The only thing they look at from DEMEC is purchase power costs and how they are charging Milford's utility. UFS will then determine the customer charge, kilowatt hour charge and demand rate.

Milford also has a power cost adjustment (PCA) and if the power costs go up or down over the base rate schedule, that is automatically passed onto Milford's customers.

Mr. McCullar further explained that the wholesale rate that DEMEC charges Milford is a single, unified unit rate. This provides the maximum flexibility to structure Milford's rate design for their unique mix of customer classes--industrial, residential, small business classes, etc.

Many municipal utilities will charge their municipal customers a demand charge and an energy charge. It is difficult to explain how that becomes a retail rate structure that works for the community. DEMEC took that out approximately twenty years ago and went to a unified wholesale rate for its members. That makes it much easier for the utilities to manage their retail rates and know their actual costs.

Mr. McCullar continued by saying that is done per kilowatt and includes all the cost components of power supply needed to deliver one kilowatt hour to this community. This is then projected across the entire load base, which includes all nine members and not just Milford. DEMEC has to acquire or generate a certain amount of energy to supply those needs throughout the year. They optimize their portfolio to deliver the lowest cost unit of energy first, before delivering higher cost units. However, the single unified rate is made even though there are about seven components to the power supply cost that DEMEC manages internally. That is how each member is charged per megawatt hour to recover those costs for a zero sum.

He finished by sharing that DEMEC recovers its cost in reserve only.

Mayor Campbell thanked everyone for attending and providing the information.

The Workshop Session concluded at 7:11 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 22, 2018

A Special Recognition by Mayor and City Council took place in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 22, 2018 beginning at 7:13 p.m.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and James Starling Sr.

RECOGNITION

Proclamation 2018-15/Boy Scout Troop 116/Appreciation Week

Mayor Campbell then provided the following background that lead to this special recognition:

On Tuesday, September 11, 2018, a thunderstorm with heavy rain caused a flash flood in downtown Milford, leading to flooded homes and businesses.

Heavy rains fell on impervious surfaces and a ground that was already saturated from previous storms and led to significant water intrusion as City Hall's basement flooded with water entering from various areas including concrete walls and ground.

The basement, occupied by the IT, Planning, Code and Inspection Departments, contained a large amount of equipment, along with active and archival records and documents. Direction from the State of Delaware Archival Division required removal within a forty-eight hour window to prevent contamination.

A phone call was received from the Boy Scouts offering to assist with any storm damage. In response to what the staff here at City Hall was facing, within a few hours, Boy Scouts, Leaders and Family members were gathering in the rear parking lot, preparing to assist with the removal and relocation of those items and any other action that was needed.

In less than one hour, hundreds of boxes of records and documents were moved from the lower level to a safe, dry place on the main floor by way of a human chain made up of Boy Scouts, Leaders and family members, manually passing each box--extremely full and outrageously heavy boxes of records. You can look around this room, at just a portion of what this group handled for us. Years of records were miraculously saved because of this action.

We hope we have captured the names of each one that participated that evening and thank you again for the critical role this group played in helping our staff during what truly was a very 'taxing' time here at City Hall.

Mayor Campbell then asked all members of Boys Scout Troop 116 to come to the dias for the presentation of Proclamation 2018-15, as follows:

City of Milford



Office of the Mayor

CERTIFICATION OF APPRECIATION

presented to

Boy Scout Troop 116
Milford, Delaware

WHEREAS:

A great City is only as great as those persons who give exemplary service to their communities through either participation in voluntary programs, through unique personal achievements or through an act of good citizenry; and

Often, many services and acts often go unrecognized and unrewarded; and

Members, Leaders and Families of Boy Scout Troop 116 proved they are outstanding citizens and worthy of the esteem of both the community and the City of Milford; and

Jointly, they demonstrated untiring efforts and great dedication by answering an urgent call during a very vulnerable time, thus resulting in a significant contribution to this City.

Now, Therefore, I, Archie J. Campbell, of the City of Milford, do consider it an honor and a privilege to publicly recognize the following individuals for helping to preserve years of valuable City and historical records from contamination and deterioration as a result of a flooding situation at City Hall on September 11, 2018:

Krakon Patrol

Logan Huey
Nicholas Schreiber
Peyton Adams
Thomas Davis
Zachary Wilt

Spartan Patrol

Hayden Giuttari
Stephen Jones Jr.
Luke Stuzman
Nathan Nagy
Conner Wooten

Black Panther Patrol

Coty Holloway
Zach Wheyway
Zach Stutzman

Arrow of Light

Ben Stutzman

Scorpion Patrol

Alexander "Quinn" Humes

Adult Leaders

Bill Holloway Jr, Scoutmaster
Stephen Jones Sr, Asst Scoutmaster
Steve Stutzman, Arrow of Light Leader

Parents & Siblings

Lauren Corsiglia
Mike Wilt
Cassandra Schreiber

Derrick Giuttari, Committee Chairperson
Cynthia Wooten, Committee Chairperson Cub Scouts

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Milford to be affixed hereto this 22nd day of October 2018.

s/Mayor Archie J. Campbell

s/City Clerk Teresa K. Hudson

Mayor Shupe asked the Boys Scouts participate in the Pledge prior to leaving (moved from regular Council Meeting agenda).

INVOCATION AND PLEDGE

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

Concluded at 7:19 p.m., prior to the start of City Council's Public Hearings.

Respectfully submitted,

Terri K. Hudson, MMC
Recorder/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 22, 2018

On Monday, October 22, 2018, Milford City Council held Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and James Starling Sr.

CALL TO ORDER

Mayor Campbell called the Hearings to order at 7:19 p.m.

Planning Director Rob Pierce was also in attendance.

ORDINANCE 2018-22

Mispiration Realty LLC on behalf of JGC&J Incorporated

Conditional Use to Allow a Billboard

5.39+/- acres in a C3 Zoning District

910 and 916 S DuPont Boulevard

Present Use: Vacant; Proposed Use: Billboard

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

Mr. Pierce explained the property is designated commercial within the comprehensive plan.

The applicant proposes to construct two 12 x 48, 30-foot tall billboards on the two parcels shown on the survey.

The Billboard shall be constructed and maintained in accordance with Delaware Code and DelDOT standards.

The request is for a traditional billboard with a static message sign face and does not include an electronic message board.

An analysis is included in the packet based on the conditional use criteria, location map, survey and relevant sections of the City ordinance and Delaware Code Title 17.

It was reviewed by the Planning Commission on October 16th at which time approval was recommended by unanimous vote with the condition the billboard be located a minimum of 30 feet from the front property line and at least the height of the billboard from the side property lines, in addition to the required approval from DelDOT and City building permit.

No additional comments were received at the Planning Commission meeting.

The notice was published in the Milford Beacon on August 29th and all property owners of parcels within 200 feet of the two parcels received a notice in the mail.

Councilman Boyle asked if the Planning Commission's approval recommendation based on the minimum conditions. Planner Pierce stated that is correct and referenced the minimum conditions previously stated.

Jamie Masten with Mispillion Realty, 715 South duPont Highway stated that he has this property under contract contingent upon this approval. He began negotiating on this property last December adding that it takes ninety days from the application to this meeting. It was scheduled in September, but Planning Commission did not have a quorum so it was heard last week and a recommendation made at that time.

Mr. Masten said if the billboards are approved this evening, he will come back with his formal plan to subdivide the property into two pad sites along the highway for a restaurant/retail and a residual parcel in the back for a larger use.

One billboard will be placed at the north end of the property and one at the south end. They will mirror the billboards on Route 1 by Royal Farms and Grottos with a steel unipole structure and vinyl poster for the advertising.

He explained billboards are great and a supplemental use that is close to the property lines using the primary use for the associated business.

In addition, Mr. Masten said billboards are a great way for local businesses to reach 25,000 local drivers as well as visitors to the area.

Mr. Masten questioned the Planning Commission's condition of the approval for the side setback which would coincide with the height of the board, making it a 30-foot setback. He did not realize there were any stipulations setting it back further from the road. He hopes it is only approved with the side setback change. Otherwise, any further distance from the front of the road makes it difficult to see.

He added that is the section of the highway that contains a number of steel monopole utility lines. The billboard could end up being 135 feet from the edge of the pavement. Anything added is quite a distance from the highway and asked that the front additional setback be waived.

Mr. Masten is willing to add the additional five feet to the side setbacks even though he has never had a billboard blow over though he understands that ensures it from falling onto the neighboring property, because they are designed for the wind speeds in the area.

When asked for clarification, Mr. Masten referenced the 25-foot front setback and he is proposing 25-foot side setback though Planner Pierce is recommending 30 feet from the side or the height of the sign and he has no problem with that.

Mr. Pierce explained that in terms of the front setback, when reviewing the billboards on Route 1, they were 25 feet. He thought the 30 feet was the result of the front setback for any principal structure and should not obscure the view for any future development on the highway. However, there are no provisions in the City ordinance for setbacks for the billboard and instead it is at the discretion of the City Council and to adhere to DelDOT standards.

It was confirmed that a 30-foot setback would align with any proposed buildings; 25 feet could partially block the principal structure.

Solicitor Rutt then pointed out the Planning Commission recommended their approval based on the staff conditions and the side setbacks based on the height of the board which was an additional condition.

Mayor Campbell asked if anyone from the public wished to speak for or against the application, no one responded. The Mayor then closed the floor.

Councilmember Wilson said she is pleased to learn that most of Mr. Masten's billboards advertise local.

Councilman Boyle stated that if the Planning Commission is recommending a 30-foot setback, he would expect they would be consistent in other applications and future billboards to prevent ending up with a mismatch of different setbacks.

Councilman Culotta said that Mr. Masten is saying the Planning Commission did not discuss that setback in the meeting and he was there.

Mr. Pierce pointed out that the City is currently reviewing its on-premise sign code. He had planned to put together a working group to consider adding some minimum provisions to the billboards in the future in order to standardize those items. Currently there is no consistency other than comparing other applications. Moving forward, they would consider the applicant and other comments this evening.

Councilwoman Wilson likes the idea and feels the 25-foot setback seems fair when considering the other billboards. Councilman Culotta said we do not need to be different from DeIDOT's minimum standard.

Councilman Morrow moved to approve Ordinance 2018-22, with the Planning Commission's recommendation that the billboard have side setbacks the height of the billboard and a front setback of 25 feet, seconded by Councilmember Wilson.

Motion carried by the following unanimous roll call vote:

Boyle-votes yes because it is a reasonable recommendation and not mediating too much. Because the City does not have specific standards in the code, he agrees with the motion.

Peel-votes yes because it is reasonable and is what the State says and she is not sure why we are considering something else.

Culotta-votes yes based on the State's recommendation and he does not see any reason to change it and he is also excited about the development of that property and what is to come.

Brooks-votes yes for the same reason the other three Councilmembers said. He also wants to thank Mr. Masten for being honest and coming out and telling us.

Morrow-votes yes adding it is a reasonable request.

Wilson-votes yes based on the State of Delaware regulations and she also agrees with the reasons previously mentioned by her fellow Councilmembers.

BAYHEALTH MEDICAL CENTER INCORPORATED
Final Major Subdivision of 168.48 +/- acres in an IS Zoning District
100 Wellness Way
Present Use: Vacant Land; Proposed Use: Medical Office Building
Tax Map 3-30-15.00-058.00

Planning Director Pierce stated the current comprehensive plan designation for the property is employment.

The facility is close to obtaining their temporary Certificate of Occupancy on the hospital unit itself. The Planning Commission approved the final site plan for the Bayhealth/Nemours Medical Building at last week's meeting.

The applicant proposes to subdivide the 168 +/- acre parcel into two parcels of land in order to separate the hospital use from the remainder of the institutional uses on the health campus. Lot 1 will include approximately 39 acres and the hospital building. Lot 2 will be approximately 128 acres of vacant land where the remainder of the health campus will be developed and leased out in separate sections.

The first component of the buildouts would be the 85,000 square foot medical office building for Bayhealth/Nemours. The applicant received preliminary subdivision approval from City Council in February. All agency approvals have been received along with letters of no objections from DeIDOT and Sussex Conservation District.

It does meet the requirements of the City Code.

The Planning Commission reviewed the application at the October 16th meeting at which time approval was recommended by unanimous vote.

The notice was published in the Milford Beacon on August 29th and all property owners of parcels within 200 feet of the

two parcels received a notice in the mail.

Steve Fortunato of Becker Morgan Group, Incorporated, 309 South Governors Avenue, Dover, representing Bayhealth, stated that Mr. Pierce addressed all the points very clearly. Bayhealth wants to subdivide their large property that encompasses the entire campus and separate the hospital parcel from the balance of the campus. Those parcels will be leased out for various uses in the future.

He added that it is easier for them lease out property that is not already occupied by the hospital.

Mr. Fortunato clarified that the use for the rest of the parcel is medical office building. However, the one corner, consisting of approximately eight acres is the Nemours project and the only known use. The remainder is up for future development and he expects a variety of different uses.

He confirmed that all agency approvals were received all applicable comments addressed.

Mayor Campbell then opened the floor to public comment; no one responded. The floor was then closed to comments.

Motion to approve the Bayhealth Medical Center Subdivision Plan as submitted by dividing the 168.48 acre parcel into approximately 39 acres and 129 acres, made by Councilmember Boyle, seconded by Councilmember Peel.

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

Boyle - votes yes because it is consistent with Chapter 230 and Chapter 200, Zoning and Subdivision Codes.

Peel-votes yes stating it is reasonable and in line with the City code and sets it up for the institutional use.

Culotta-votes yes he is excited as to what is going to go on there and agrees with Councilmember Peel.

Brooks - votes yes with the same as the last three.

Morrow - votes yes and agrees with the Councilmembers' previous comments.

Wilson - votes yes based on the information that was presented during tonight's hearing.

LYNN A. & KAREN K. McCOLLEY AND BLUE HEN VENTURES, LLC

Final Minor Subdivision of 34.27+/- acres in a C3 Zoning District

416 NE Tenth Street and 0 NE Tenth Street

Present Use: Single Family Dwelling and Vacant; Proposed Use: Commercial Development

Tax Map MD-16-174.19-01-01.01; -013.00; -014.00

Mr. Pierce reported this involves the final minor subdivision of a section of land comprised of mainly two parcels though a third larger parcel is incorporated. The comp plan designates this land as commercial and is zoned highway commercial. The northeastern parcel contains a single family detached unit and the remainder of the land may have an agricultural use.

The applicant proposes to subdivide parcels 13.00 and 14.00 into four commercial building lots and provide 60 feet of road frontage along Silicato Parkway to larger parcel 01.01 in the rear, for future commercial development. Subsequent development on these lots will be subject to site plan review by the Planning Commission.

The subdivision is consistent with Chapter 200 and Chapter 230 of the City Code. The applicant has obtained approvals of no objection from DelDOT and the Kent Conservation District.

A Utility Feasibility Study was performed in August regarding future development of the four lots and accessibility to the larger tract of land in the rear. Any new development on the subdivided lots will require the owner/developer to prepare the necessary design documents and construct any improvements as required.

A letter of approval from the City Engineer was included in the packet.

The notice was published in the Milford Beacon and all property owners of parcels within 200 feet of the two parcels received a notice in the mail.

Mr. Pierce then referenced an area map showing the various locations of proposed Microtel, Mispillion Brewery and existing Grottos and Royal Farm sites, this tract of land to the west of those areas and the 60-foot access to the rear.

He concluded by stating that Planning Commission recommended approval by unanimous vote at their October meeting.

Principal Land Planner Mark Davidson of Pennoni Associates, Milton, stated that Mr. Pierce covered the entire application. He reiterated this is four lots in an existing C-3 zone on two pieces of property, parcel 13 and parcel 14.

The layout, was dictated through some interest in the property who may want to start developing the individual lots. To get the letter of no objection, DeIDOT will be maintaining Silicato Parkway. He then referenced a portion of the land dedicated to DeIDOT as part of the overpass being constructed and road that has opened.

In addition to the interest in the four lots, it was necessary to line up the entrances for the four lots across from the entrances already constructed as part of Royal Farms, Grottos and subsequent parcels being developed. A shared access will be used for parcels one and two. The 60-foot access will extend to the remaining lands in the rear, and other C-3 undeveloped properties, as agreed to by the City and DeIDOT.

The access for parcel four was to line up across from the access across from Royal Farms/

Mr. Davidson again reviewed the agency approvals.

Mayor Campbell opened the floor to public comments; no one responded. Mayor Campbell closed the floor to further comments.

Councilmember Brooks moved to approve the request, seconded by Councilmember Morrow. Motion carried by the following unanimous roll call vote of those Councilmembers present:

Boyle - votes yes stating the request is consistent with Chapter 200 and Chapter 230.

Peel-votes yes stating that all the proper approvals were prepared and due diligence done.

Culotta-votes yes stating it makes sense to have commercial development on the west side of Silicato Parkway.

Brooks - votes yes for the commercial development.

Morrow - votes yes based on the previous comments made by his fellow colleagues.

Wilson - votes yes based on the pre-approvals and added that this sounds like it will be a wonderful project.

City Manager Norenberg announced that the McColley and the Mispillion Realty applications were the first to follow the accelerated process because both were heard at the Planning Commission last week.

He noted that this worked out even though the minute were unavailable when there was a question about the approval though that had not been important enough it could not be worked through.

ORDINANCE 2018-24

Change of Zone of Annexed Land belonging to City of Milford

Current Zone ARI/Proposed Zone IS

*ORDINANCE 2018-28**Final Authorization/Annexation/Lands belonging to the City of Milford**20167 Elks Lodge Road, Lincoln, DE**Tax Map 3-30-15.00-058.02**6.50 +/- Acres*

Mr. Pierce reviewed the staff report included in the packet that involves the current location of the City of Milford substation on Elks Lodge Road. It is designated employment in the comprehensive plan and the IS zoning is consistent.

Included in the packet is the Annexation Committee report from their June 11th Committee Meeting at which time, members recommended proceeding with the annexation.

The Plan of Services was certified and received from the Office of State Planning.

The Planning Commission reviewed the application and recommended approval by unanimous vote for the change of zone to the institutional service district.

The public notice was advertised in the Milford Beacon on September 26, 2018 and mailed to all properties within 200 feet of the parcel.

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

Councilmember Peel moved to adopt Ordinance 2018-24, for a change of zone from AR1 (Sussex County) to IS (City of Milford, seconded by Councilmember Boyle. Motion carried by the following unanimous roll call vote:

Boyle - votes yes stating it is consistent with Chapter 230 of the City Code.

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

Culotta-votes yes based on the Annexation Committee report.

Brooks - votes yes based on the Annexation Committee.

Morrow - votes yes based on the review and recommendation of the Annexation Committee.

Wilson - votes yes based on the recommendation of the Annexation Committee.

Councilmember Peel moved to adopt Ordinance 2018-28, annexing Tax Map 3-30-15.00-058.02 at 20167 Elks Lodge Road, Lincoln, Delaware into the City of Milford, seconded by Councilmember Wilson. Motion carried with no one opposed.

There being no further business, Mayor Campbell adjourned the Public Hearings at 8:03 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 22, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 22, 2018.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and James Starling Sr.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 8:04 p.m.

RECOGNITION

Proclamation 2018-11/Extra Mile Day

The following proclamation was presented in honor of Extra Mile Day on November 1st:

*Proclamation 2018-11
EXTRA MILE DAY*

Whereas, the City of Milford Is a Community Which Acknowledges That a Special Vibrancy Exists Within the Entire Community When its Individual Citizens Collectively “Go the Extra Mile” in Personal Effort, Volunteerism, and Service; and

Whereas, Milford Is a Community Which Encourages its Citizens to Maximize Their Personal Contribution to the Community by Giving of Themselves Wholeheartedly and with Total Effort, Commitment, and Conviction to Their Individual Ambitions, Family, Friends, and Community; and

Whereas, Milford Is a Community Which Chooses to Shine a Light on and Celebrate Individuals and Organizations Within its Community Who “Go the Extra Mile” in Order to Make a Difference and Lift up Fellow Members of Their Community; and

Whereas, the City of Milford Acknowledges the Mission of Extra Mile America to Create 575 Extra Mile Cities in America and Is Proud to Support “Extra Mile Day” on November 1, 2017.

Now Therefore, I, Arthur Campbell, Mayor of the City of Milford Do Hereby Proclaim November 1, 2018, to Be Extra Mile Day and Urge Each Individual in the Community to Take Time on this Day to Not Only “Go the Extra Mile” in His or Her Own Life, but to Also Acknowledge All Those Who Are Inspirational in Their Efforts and Commitment to Make Their Organizations, Families, Community, Country, or World a Better Place.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 22nd day of October in the Year of Our Lord, Two Thousand Eighteen.

The City Clerk will forward the proclamation to Director of Media and Public Outreach Christine Ott at America Extra Mile Organization.

COMMUNICATIONS & CORRESPONDENCE

City Manager Norenberg reported the Chamber of Commerce is holding the rescheduled rain date Riverwalk Freedom Festival Duck Dash and Fireworks this Friday night.

In addition, Parks and Recreation will host Fright Night at their office site from 6:00 to 8:00 p.m. on Saturday night and again on Wednesday, October 31st.

Mr. Norenberg then announced the City of Milford was chosen as Kent County Tourism’s 2018 Village of the Year. The City will be recognized at the Annual Celebration of Tourism Luncheon and Awards Ceremony on Friday, November 9th.

In addition to the town’s recognition, Downtown Milford, Incorporated, Chamber of Commerce for Greater Milford and the City of Milford Parks and Recreation Department will be recognized at the luncheon for their efforts in creating a tourism destination.

UNFINISHED BUSINESS

Adoption/Ordinance 2018-23/Chapter 204/Taxation/Milford Lodging Tax

IMCA Fellow Evan Miller provided a quick overview of the new ordinance.

He recalled that earlier this year, the City of Milford submitted Senate Bill 264 to amend the City of Milford’s Charter and allow a lodging tax be imposed of no more than 3%.

Currently, the State of Delaware currently collects a lodging tax of 8% on rooms within hotels, motels and tourist homes as defined in §6101 of Title 30 of the Delaware Code. The 8% is then distributed as follows:

- 5% toward the State’s General Fund
- 1% toward the Beach Preservation Program (Beach Replenishment)
- 1% toward the local Chambers of Commerce
- 1% toward the Delaware Tourism Office

During the last legislative session that ended in June 2018, the City of Newark, Town of Middletown and City of Milford submitted Charter changes to the General Assembly that mirrored state law and authorized each to enact and collect a lodging tax of no more than 3%. In early September, Governor Carney signed those bills into law and since, City staff has developed an ordinance to authorize the levy. The 3% charged by the City of Milford would be in addition to the State’s existing 8%, for a total of 11% tax.

It would be assessed on any room or rooms in a hotel, motel or tourist home located in the City of Milford. The tax will not apply to rental properties or bed and breakfast style establishments.

Hotel lodging taxes are primarily paid by visitors, which reduces the tax burden on residents. Out-of-town visitors depend on our police service, roads, infrastructure and other City services. Furthermore, visitors come to Milford for a number of reasons including our Riverwalk and regular events. A lodging tax would more fairly distribute service and infrastructure costs generated by the City to all who use them.

Visitors are looking for location as their primary objective when searching for lodging. Additionally, research shows that hotel taxes have a negligible impact on tourism due to it being a small fraction of the overall trip costs. For example, a visitor paying a room rate of \$150 per night would pay only \$4.50 more in tax each night.

Room Rate Per Night	Current Tax	Proposed Tax	Net Change
\$100	\$8.00	\$11.00	\$3.00
\$150	\$12.00	\$16.50	\$4.50
\$200	\$16.00	\$22.00	\$6.00
\$250	\$20.00	\$27.50	\$7.50

For comparison purposes, the City of Baltimore, their lodging and sales tax is 15.25%.

When asked where the revenues would go, Mr. Norenberg stated that presently the 3% would supplement the general fund to support the police, parks and recreation, street improvements, administration, etc. Once the numbers can be monitored, it can be determined if it should be designated for a specific purpose.

Councilman Culotta asked how this compares to local municipalities such as Georgetown, Dover, Lewes, etc. Mr. Miller reiterated that the City of Newark and the Town of Middletown both submitted changes that mirror this ordinance. There are other municipalities currently in the process of having their charters changed to allow this to be done in their jurisdictions.

For example, Mr. Miller splits his time between the City of Milford and the City of Rehoboth Beach, and Rehoboth has now drafted a charter amendment to enact a lodging tax that will be addressed when the General Assembly reconvenes.

Councilmember Wilson feels this is a smart move. In this manner, visitors are paying a small fee in lieu of having to increase property taxes for Milford's property owners.

Councilmember Culotta said the downside is if we bill a hotel that is going to support the DE Turf Sports Complex, it can be built north of Milford to prevent their customers from paying the 3% tax. Or they can come to Milford, because we have better services and infrastructure and pay the 3%. He feels that the projected \$69,000 is not a lot of money, but as Milford continues to grow and attract business, it should be reviewed periodically to make sure we are competitive with local towns of similar size like Georgetown and Seaford.

Councilmember Wilson feels that this is giving the City a piece of a tax that is already being collected by the State of Delaware and instead will be used in a town where those visitors are actually using our streets and services.

Councilmember Culotta argued that the State tax will be paid regardless of where someone goes, but Milford is now adding onto it. If he was a hotel investor, this would influence his decision.

Mr. Norenberg explained the original bill planned back in March or April of this year, was to create a uniform environment statewide to allow municipalities with hotels and motels to assess up to the 3%. A potential conflict was discovered with some existing gross receipt lodging type taxes with some of the beach communities. Therefore, the rest of the non-resort towns agreed to hold off and instead do a charter amendment. That is the reason three municipalities worked to get this accomplished before the end of the session.

He believes Harrington, Georgetown and Rehoboth Beach, are just a few of the municipalities moving in that direction for the next session. By the end of 2019, the majority of Delaware towns will be on the same playing field with local lodging fees.

It was noted that when most people travel, very few look at the bill and dissect the taxes that are paid per night. On average, taxes run around 18%.

Councilman Boyle feels this is low and will be consistent with other towns and less than most states. He also pointed out that Milford is attracting more activity and visitors that are costing the City to support such events.

Mayor Campbell opened the floor to anyone present who wished to comment. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2018-23 amending Chapter 204 to impose a 3% lodging tax, seconded by Councilmember Peel:

*Ordinance 2018-23
Amends Chapter 204*

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, 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

Motion carried with no one opposed.

Authorization/Funding Appropriation/Police Department/Engineering Proposal/HVAC

City Manager Norenberg presented the proposal from Gipe Associates Incorporated to evaluate the needs of the HVAC system at the existing Police Department.

The proposal was received in late September. However, he noted there are some later items that may need to be discussed before a final decision is made to authorize the funding from General Fund Reserves. Chief Brown said he had nothing to add at this time.

The matter was tabled for action to be taken later during the meeting.

NEW BUSINESS

Authorization/Funding Appropriation/Planning & Code/Inspections Departments/Modular Offices

Mr. Norenberg recalled this being discussed at the last meeting, action delayed and the reason it is being presented tonight.

Mr. Pierce stated that in a follow up to the October 8, 2018 report, staff has obtained a proposal for a modular office trailer from William Scotsman. They also provided modular offices for the City of Rehoboth and Bayhealth during recent renovations. The purpose is to provide temporarily housing as the Planning and Code/Enforcement Department staff evaluates longer term solutions.

Included was a proposal of \$1,800 per month, a diagram showing the floor plan and the physical characteristics of the mobile office, along with a site plan showing possible locations for the temporary unit on City Hall property. The City has submitted an application with the State Fire Marshal's Office and awaits their comments before finalizing the details on the location of the unit.

A six-month quote was also received. That reduced the cost by approximately \$100 per month for a minimum six months, which concerned him based on the timeline of where they would end up permanently.

Of the total costs, mobilization and demobilization made up about \$10,000.

After Mr. Pierce completed the memo, it was determined the fire marshal did not like the option shown close to the building. However, a new location was determined that will require electric and network cabling be extended by the Electric Department. In addition, some network hardware and wiring will need to be purchased. Estimates are available that include some contingencies.

It is recommended that \$20,000.00 be appropriated from General Fund Reserves to cover a three-month lease and expenses associated with mobilization and demobilization of the unit.

Mr. Brooks asked why public works or the armory couldn't be used. Mr. Norenberg stated that the public works facility is heavily used right now. One of the challenges is having to direct people to the facility off Airport Road which often causes confusion. In addition, the goal was to keep staff located downtown where customers are used to finding them.

The armory has more accessibility and IT issues that exist here. There are no capabilities of connecting to the City network and temporary accommodations would need to be built. Installing and repairing the HVAC system would be required, in addition to roof repairs. That is part of the reason they were hoping an organization could use the building in exchange for the many upgrades that are needed and the reason Council was leaning toward this plan for the short term.

City Accountant Suzannah Frederick was present and confirmed that ground (rain) water is not covered under the normal insurance policies, as is the case with the City Hall basement flooding.

Mr. Norenberg added the other advantage is not having to move everything with the staff. Staff, computers, printers, telephones, etc. would be moved. The boxes of records would remain here to be available when needed.

Councilman Culotta feels this is an urgent or emergency situation. He asked why the City Manager does not have the power to do this without coming before Council. To his point, if a permit is needed in Milford, that person comes to City Hall to meet with Rob and goes through the process. And that is why that staff need to be working out of this building. He again asked why Mr. Norenberg does not have an emergency budget for something like this, that would provide the ability to make those decisions and allow staff to continue working.

Councilmember Wilson and Peel both stated he does have that right. Mr. Norenberg explained he has the authority to approve certain contracts and purchases up to \$50,000. However, the money is not appropriated to be spent in this manner and the reason it was brought before Council at the last meeting. He also wants Council to provide feedback on the longer term solution as quickly as possible, though many locations have been explored, including the customer service building. Unfortunately there are a lot of challenges related to that building as well, especially with the second floor, ADA and fire emergency access, egress, weight bearing load issues, etc.

This is the reason this seems to be the best short term solution.

Councilmember Morrow recommended using the Mayor's Office and the Conference Room temporarily. It was confirmed this involves five employees. He feels we can do without the conference room for the next three to four months.

Councilmember Wilson seriously asked the Public Works building be considered. She cannot see it being used to its full capacity which would prevent these five employees from moving there. She agrees we do not want to inconvenience our residents, but at the same time, this is an emergency.

Councilmember Morrow asked if there are extra offices at the customer service building; Mr. Norenberg reiterated the concerns using the second floor, in particular the maximum weight that is permitted. From a long term standpoint, it would be a challenge.

Because of the expense involved in moving staff to any building, the most efficient manner would be to have them set up in the parking lot using a mobile unit, though that involves the monthly lease fee.

Councilmember Wilson does not remember the conversation and in particular, she does not want to question someone's work after it was authorized. She would have felt the same way at that time, and asked why not consider a cramped situation temporarily and using our own facility versus spending this amount of money for a trailer, in addition to the cost of the electrical and other work that will be needed.

Councilmember Morrow thought there was an extra office in the Finance Department and suggested moving two employees in the Mayor's office and conference room and one or two people to finance. Ms. Frederick confirmed there are no available offices in the Finance Department.

Mr. Pierce emphasized it could be longer than six months and the majority of the cost will run around \$10,000. He confirmed this option would keep the staff close to the current work flow situation for those employees and the public. Customer service collects the money for his department and building permits are picked up here. They hoped to be able to add staff there, but there is a lack of floor space and the use of the upstairs is off limits until major renovations can be completed which will cost a considerable amount of money.

He said he is willing to do whatever Council wants, but this was an option and to move things along quicker, he obtained the proposals.

Mr. Pierce agreed to check and make sure the monthly fee does not increase after three months and feels it may go down if locked in for a longer period of time. He will obtain confirmation in the meantime.

It was agreed that money will need to be spent to allow this department to function as needed and provide a fairly decent work environment for its employees.

Councilmember Morrow asked if there are any extra offices or room in the DMI house next door. Mr. Norenberg said there is less room that is available at City Hall. The upstairs is used as the tenant space for the director and the first floor has the office

space for a few staff members. The dining room is their conference room and they have a small kitchen. They meet at City Hall because of the lack of space in the house.

Mr. Norenberg offered to take the next three weeks to do a cost evaluation of moving staff out to public works though he estimates it will be close to the cost of leasing a modular office. Councilmember Wilson said the wiring and electric exists and it should only involve setting up individual computers and printers, which can be handled by our IT staff.

It makes sense to her that the public works facility be used. She noted that these are the same departments that used to work out there and questioned why there is no additional space.

Councilman Culotta asked how many of the five employees need to be accessible to the public; Councilmember Wilson said they are all accessible to the public. Councilman Culotta said the only problem seems to be that people are informed they have to go to public works to get any permits as opposed to City Hall.

Mr. Pierce pointed out that his department needs to work together in the same place, whether it is at public works, city hall, customer service, finance building or in a modular office.

Councilman Boyle believes that depending on what is discovered, he anticipates more than a year before the lower level is waterproofed and corrected.

Mr. Rutt asked considering purchasing a modular office. A discussion followed about whether to purchase a used modular office.

Mayor Campbell likes the idea of moving them back out to public works because they were already there and believes there is enough room to accommodate them.

City Manager Norenberg said he was also told that Council preferred to keep staff downtown and minimize disruption to the customers and one reason they looked at customer service before ruling it out and considering the modular. It took months before our customers stopped going out to public works to pay bills and get permits after they left that facility. We still have customers on a regular basis come to City Hall to pay their bill or set up a new utility account. He agrees that customer confusion is something that should be avoided, particularly with the increase in building permits.

Mr. Norenberg would not be surprised if this cost could be covered with the increase in revenue from the building permits.

Councilmember Culotta recommends providing the City Manager an option that is available should a similar situation occur or that Chief Brown may need for a police situation.

It was agreed that if a new modular office can be purchased for \$30,000 to \$40,000, it is worth checking into. In addition, further evaluation and the cost of a new unit should be considered, as well as a cost analysis completed of moving staff into the conference room at public works.

Mr. Norenberg confirmed the public works crew was directed to complete the abatement and make sure nothing else is left in the basement that might be contaminated and causing an issue. The City Engineer is also working on the specifications of waterproofing and remediation with an estimated proposal of \$200,000. The project will require a formal bid proposal as a result.

Councilmember Boyle moved to direct the City Manager and Planning Director to investigate the possibility of purchasing temporary quarters that the City could use in the future for additional purposes, and include a cost analysis option of moving the department to public works, seconded by Councilmember Peel. Motion carried.

DEMEC/Municipal Electric Utilities Renewable Portfolio Standard 2017/2018 Compliance Year Report

City Manager Norenberg stated that the annual report for the Renewable Portfolio Standard 2017/2018 is included in the packet, in addition to previously being emailed to Councilmembers. Acknowledgment of the report by DEMEC members is required by statute.

Councilmember Brooks moved to acknowledge receipt of the 2017/2018 DEMEC Municipal Electric Utilities Renewable Portfolio Standard Compliance Report, seconded by Councilman Morrow. Motion carried.

Adoption/Resolution 2018-19/Schedules Halloween Trick or Treat

Councilmember Peel moved to adopt Resolution 2018-19 Trick or Treat Schedule, seconded by Councilmember Wilson:

*RESOLUTION 2018-19
Halloween Trick or Treat*

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Wednesday, October 31, 2018 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.*

**All celebrants are to refrain from committing acts of vandalism or destruction.*

**Motorists are asked to be ever watchful of our youngsters making these annual rounds.*

Motion carried.

EXECUTIVE SESSION

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

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 8:45 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 9:29 p.m.

Property Acquisition

Councilmember Wilson moved to accept the marketing proposal, not to exceed \$10,000, seconded by Councilmember Peel. Motion carried.

Adjournment

Councilmember Wilson moved to adjourn the Council meeting, seconded by Councilmember Morrow. Motion carried. Meeting adjourned at 9:31 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

City of Milford



PROCLAMATION 2018-16

Recognizing the Lasting Legacy of Retiring State Senator F. Gary Simpson

WHEREAS:

The conclusion of the 2018 State of Delaware Legislative Session will truly be the end of an era in Delaware politics; That is the day longtime Senator F. Gary Simpson will step down from his seat after 20 years of representing the constituents of the 18th Senate District at Legislative Hall in Dover;

Born and raised in Milford and a graduate of Milford High School, Senator Simpson continued his education at the University of Delaware, receiving his BS in Animal Science in 1969 and his MS in Agricultural Economics in 1972;

First elected to the Delaware State Senate in 1998, he quickly rose through the ranks and in 2008, became the Senator Minority Leader, remaining in that position for the remainder of his legislative career;

A pillar within the Minority Caucus, Senator Simpson served as a member of the Agriculture, Executive, Legislative Council, Rules and Ethics, Energy and Transit, Ethics, Judiciary, Natural Resources and Environmental Control Committees and the Delaware Economic and Financial Advisory Council and was a member of the Southern Region Education Board Legislative Council and Co-Chair of the Council of State Governments Eastern Region Agriculture Committee;

Senator Simpson remains heavily involved in the community serving on the Board of Directors and Executive Committee of the Delaware State Fair, as a member of the University of Delaware Sea Grant Advisory Council, Milford Housing Development Council Board, Kent Health Alliance, American Legion Post 3 and Eagles Nest Fellowship Church; and is a former Board of Director of the Milford Memorial Hospital and Bayhealth Medical Center, March of Dimes and a Founding Director and President of the Delaware 4-H Foundation;

Senator Simpson is responsible for funding numerous projects, including federal aid for farmers, buildings and education programs and funding for local governments and in particular, the City of Milford, with whom he partnered to ensure the successful fruition of many projects as a result of his aid;

The citizens of the City of Milford owe this very special Senator, one of Milford's 'own', a debt of gratitude for his untiring commitment in making this City and the State of Delaware a better place for all residents and businesses;

It is truly an honor to celebrate the public service of one of Milford's most prominent natives, State Senator F. Gary Simpson and recognize his lasting legacy.

NOW, THEREFORE, I, ARTHUR J. CAMPBELL, MAYOR OF THE CITY OF MILFORD, on behalf of the City Council of the City of Milford hereby proclaim our heartfelt gratitude and appreciation to Senator F. Gary Simpson, for the countless hours of dedicated and distinguished service he has given the City of Milford and its citizens and wish him continued success in all future endeavors; and furthermore, direct the City Clerk to transmit a copy of this proclamation to Senator F. Gary Simpson, his wife Debbie and daughters Lindsay, Abby and Andrea, their spouses and his grandchildren.

GIVEN under my Hand and Seal of the City of Milford
this 12th day of November, Two Thousand and Eighteen.

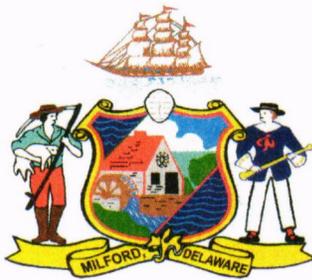
MAYOR ARTHUR J. CAMPBELL



Attest:

Teresa K. Hudson, City Clerk

City of Milford



PROCLAMATION 2018-17

Honoring Representative Harvey R. Kenton
on the Occasion of his Retirement from the State of Delaware House of Representatives

WHEREAS:

A true Milfordian born and raised in this community, Representative Harvey R. Kenton will be ending a part of his public life with the conclusion of the 2018 Legislative Session when he will retire from the Delaware House of Representatives;

Representative Kenton is respected and admired by his colleagues, and considered to be a tireless advocate for Delaware's farming community, education system, healthcare services and low taxes;

In 2010, Representative Kenton began his public career when he was first elected in 2010 replacing long-term legislator V. George Carey in the 36th District in Sussex County, and has served continuously since that time;

During his time in the House of Representatives, Representative Kenton has served as a member of the Agriculture, Appropriations, Education, Health and Human Development, Labor, Veterans Affairs, Energy, Finance and Natural Resources Committees and the last six years as a member of the prestigious 12-member Joint Finance Committee, crafting the State's multibillion-dollar annual budget and grant-in-aid acts;

Representative Kenton has been a leader in his community as well as in the State House, as Vice President of the Delaware State Fair, Vice President of the Greater Milford Boys and Girls Club, Member of Milford Church of God, Vice Chairman of the Felton Bank Board of Directors, Board Member of People Place II and as a former member of the Carlisle Fire Company, Cedarfield Ruritan Club, Milford Board of Education, Milford Elks, Milford Jaycees and the Milford Lions Club;

Representative Kenton has served the citizens of the 36th District, the City of Milford and the State of Delaware well and will truly be missed.

Representative Kenton has been invaluable in the passing of legislation and the implementation of programs that have truly embodied the role of public servant through his commitment to his constituents in the Milford, Lincoln, Ellendale and Slaughter Beach areas, never missing a meeting, event or vote;

A recipient of many accolades throughout his legislative career, Representative Kenton has been honored with the Wesley College Alumnus of the Year Award, People's Place Person of the Year Award, Outstanding Service Award from the State Advisory Council on Career and Vocational Education from the State of Delaware and the National Honorary Farmers Degree from the National Future Farmers of America, just to name just a few;

Representative Kenton has represented the City of Milford in a knowledgeable, enthusiastic manner and has been an inspirational leader and friend to all;

During his meritorious life of service on behalf of others, Representative Kenton will continue to be loved and respected by all who know him both on a personal, business and legislative level, and will continue to be thought of as "an incredibly kind individual who was warmhearted and always so grateful to serve".

NOW, THEREFORE, I, ARTHUR J. CAMPBELL, MAYOR OF THE CITY OF MILFORD, on behalf of the City Council of the City of Milford hereby proclaim our heartfelt gratitude and appreciation to Representative Harvey Kenton, for the countless hours of dedicated and distinguished service he has given the City of Milford and its citizens and to wish him continued success in all future endeavors; and furthermore, direct the City Clerk to transmit a copy of this resolution to Representative Harvey R. Kenton, his wife Jeanne and children Dawn, Chris, Debbie, their spouses and his grandchildren.

GIVEN under my Hand and Seal of the City of Milford this
12th day of November, Two Thousand and Eighteen.

MAYOR ARTHUR J. CAMPBELL

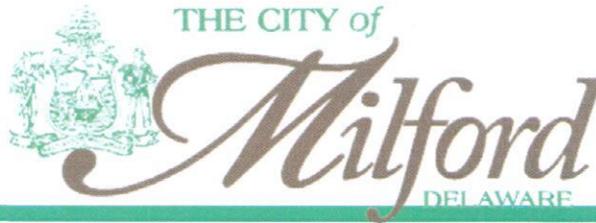
Attest:

Teresa K. Hudson, City Clerk





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: November 7, 2018
 RE: Activity Report/Oct 2018

MONTHLY STATS:

A total of 438 arrests were made by the Milford Police Department during October 2018. Of these arrests, 105 were for criminal offenses and 333 for traffic violations. Criminal offenses consisted of 16 felonies and 89 misdemeanors. Traffic violations consisted of 25 Special Duty Radar, 8 Drunk-Driving charges, 300 other.

Police officers investigated 50 accidents during the month and issued 104 written reprimands. In addition, they responded to 1,182 various complaints including city requests and other agency assistance.

MONTHLY ACTIVITIES:

Chief of Police –

Interviewed potential candidates to attend the New Castle County Police Academy in December 2018.

Attended 2018 IACP Conference held in Orlando, FL., on October 5, 2018 – October 10, 2018.

Attended the City’s Employee Appreciation Day held at Public Works on October 12, 2018.

Attended the Senior Center Board meeting held at the Senior Center on October 17, 2018.

Held a conference call with Adrienne Eiss in reference to the Milford Central Business District Parking Sturdy on October 18, 2018.

Attended a ceremony in which the new members of the AAA Safety Patrol were sworn in by Judge Adams of the Justice of the Peace Courts.

Secretary Sessoms and I handed out goodie bags to kids at the Police Department on Halloween during the City’s scheduled trick or treat hours. This year was our biggest turnout to date with at least 120 kids stopping by.

Awarded Officer of the Quarter for July 1, 2018 – September 30, 2018 to Patrolman First Class Casey J. Lewis.

Training –

Three Staff members attended 2018 IACP Conference held in Orlando, FL., on October 5, 2018 – October 10, 2018.

Two officers attended a five day FBI-LEEDA Executive Leadership course held at Dover Police Department on October 22, 2018 – October 26, 2018.

Three officers and the Department's TAC Officer attended 2018 Delaware State Police Homicide Conference held at Polytech High School on October 15, 2018 – October 19, 2018.

Community Policing –

S/Cpl. Bloodsworth met with a group of students from Kids First Academy to tour the Milford Police Department and speak with them about law enforcement related issues.

Sgt. Masten and Det/Cpl. Maloney were invited to speak on WGMD about community policing and safety related topics on October 10, 2018, during a live show at Southern States.

Sgt. Masten and Pfc. Stanton assisted the Capital School District with an intruder drill at North Dover Elementary School.

S/Cpl. Bloodsworth attended the annual Fire Prevention Day put on by the Houston Volunteer Fire Company.

S/Cpl. Bloodsworth coordinated a ceremony in which the new members of the AAA Safety Patrol were sworn in by Judge Adams of the Justice of the Peace Courts.

With the assistance of the Delaware Office of Highway Safety, NASCAR Xfinity Driver Ross Chastain visited with students at Benjamin Banneker Elementary to discuss occupant safety.

Milford PD entered a team in the volleyball fundraiser held by the Milford Senior High School Girls' Volleyball team. This event was to raise money for a breast cancer support organization.

S/Cpl. Bloodsworth attended a "Trunk or Treat" event hosted at the Delaware Department of Transportation in Dover.

Pfc. Stanton attended a "Trunk or Treat" event at the Church of the Nazarene.

S/Cpl. Bloodsworth attended a "Walk-A-Thon" at Lulu Ross Elementary. This event was to support breast cancer awareness.

S/Cpl. Bloodsworth attend a Special Olympics of Delaware event and assisted with award presentations to the athletes.

Sgt. Masten held a DEA Drug Take Back event on October 27, 2018. This event took in unwanted prescription drugs that were turned over to the Drug Enforcement Agency for destruction.

S/Cpl. Bloodsworth attended a Walk-A-Thon at the Head Start on North Church Street.

K9 Unit –

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

- Utilized 14
- Building Searches 7
- Foot Patrol 4
- Demo 1
- Track 1

Seized Items

Amount

Value

OCT 2018 ACTIVITY REPORT

	OCT 2018	TOTAL 2018	OCT 2017	TOTAL 2017
COMPLAINTS	1182	12359	1288	12256
CRIMINAL ARRESTS	105	1449	197	1573
Felonies	16	274	51	261
Misdemeanors	89	1173	146	1307
TRAFFIC ARRESTS	333	3951	492	4144
Special Duty Radar	25	1312	172	1217
D.W.I.	8	79	8	43
Other	300	2560	312	2884
REPRIMANDS	104	938	98	1102
ACCIDENTS	50	564	56	551
Fatal	0	1	0	0
PARKING SUMMONS	8	157	18	155
CRIME PREV. CHECKS	12	224	19	269
FINES RECEIVED	\$9,292.28	\$ 84,498.48	\$ 12,628.26	\$ 90,655.21

City Manager's Report November 13, 2018

FINANCE DEPARTMENT

Customer Service Division

No report submitted.

Information Technology Division

Issues Addressed	
Administration/Council	12
Customer Service	21
Finance	17
Parks & Recreation	5
Planning	8
Police	0
Public Works	10
Information Technology	8
Vendor/3 rd Party	20
Total	101

- 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 October. The Electric Division continued to remove light poles in order to stay ahead of the contractor. The contractors continue to work on the area behind the State Service Center building on SW Front Street but have lost several days due to the amount of rain days. All of the bridges have been completed at this stage.
- Crews removed all greenery and water reservoirs from the hanging baskets downtown and removed flowers from the various flower beds around town. Winter plants will be planted in November and the hanging baskets will be prepped for Christmas decorations.





Recreation Division

- Instructional Field Hockey continued through the month of October with many positive comments about our new instructor.
- Fall Soccer continued into October with practices and games ranging from U8-U15. field conditions but make up games will be scheduled.
- Staff assisted with the Community Parade by helping to clean up the parade route in the downtown area, putting up the stage on Walnut Street and lending some tables and chairs to the organizers. Crews also went back out the next day after the

parade checked for any trash left behind.

- Staff attended a luncheon organized by City Hall for those who assisted with the clean-up of the flooding at City hall. Staff were appreciative of this nice gesture.
- Fright Nights was well attended whereby staff spent over a week transforming the office into a Halloween themed maze that kids and parents could walk through. All staff were in costume and played various roles to entertain the 500-600 people over two nights. We had a lot of positive feedback from this successful event.



PLANNING & DEVELOPMENT DEPARTMENT

Building Inspections & Permitting Division

Building Permits Issued	
Commercial Foundation	0
Commercial Building Permit	4
Construction / Office Trailer	0
Demolition	4
Residential New Construction	13
Residential Renovation/Accessory Structure	9
Roof/Siding	5
Sign	3
Solar Panels	0
Utility (Electric/Water)	5
Total	43

- Brookstone Trace has begun construction of townhomes. The developer has installed utilities in the second phase of the subdivision.
- West Shores at New Milford should begin construction of Phase II roads and utilities in preparation of additional home construction.
- Milford Ponds continues to work with the public works department to complete the necessary utility improvements and continues to pull new construction permits.
- Watergate, Lighthouse Estates, Walnut Village and Orchard Hill continue to pull new home construction permits.
- The City issued a temporary certificate of occupancy to Bayhealth for the new hospital in order for Bayhealth to begin moving equipment and completing the finishing work on the inside of the building. Bayhealth anticipates a move in date in February 2018.

Economic Development Division

Downtown Development District	Investment since 09/16
Private Developers & Homeowners Investment	\$9,399,996.00
State of DE Grants (Reserved or Received)	\$1,237,991.00

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	14	Abandoned Vehicle	0	Rental Licenses Issued	3
Closed Cases	33	Dangerous Tree	0	Vendor Licenses Issued	0
Open at Start of Month	258	Furniture	4	Contractors Licenses Issued	16
Open at End of Month	235	Generic	3		
		Property Maintenance	0		
		Rubbish/Garbage	4		
		Weeds & Grass	3		
		Zoning Use	0		
		Total	14		

*168 of the 235 Open Cases are for tall grass which stay open the entire growing season.

- 526 of the 784 rental units in Sussex County have been inspected since March 1, 2018 (approximately 67%). Approximately 83% of these units are in compliance.
- Michael Andreano, Building Code Official I, started employment this month.

Planning & Zoning Division

- October Planning Commission: Mispillion Realty conditional use for two billboards along Route 113, Bayhealth Medical Center Inc minor subdivision, Blue Hen Ventures minor subdivision, Bayhealth/Nemours final site plan, Il Nostro Locale final site plan in the Greater Milford Business Park, and amendments to Chapter 130 Floodplain.
- November Planning Commission: 200 NW Front Street preliminary major subdivision for 8 townhouse lots on NW Front Street, Lands of Irene Simpson annexation along S. Rehoboth Boulevard associated with the Windward on the River Commercial project, DE Veterans Home final site plan for an addition, and proposed amendments to Chapter 200 related to administrative approvals and expirations of subdivisions.
- October Board of Adjustment: A homeowner in Fork Landing Farms rear setback encroachment.
- November Board of Adjustment: Placement of an accessory building in the 200 block of SE Front Street, two Marshall Street vacant lots side yard encroachments for new construction.
- Director is working on code amendments to implement the Transfer of Development Rights (TDR) program outlined in the City's Comprehensive Plan. He is working with the Delaware Department of Agriculture (DDA) to prepare draft code amendments for Planning Commission and Council in December or January.

PUBLIC WORKS DEPARTMENT

Electric Division

No report submitted.

Engineering Division

No report submitted.

Public Service Division

No report submitted.

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: September 2018

Cash Balance - General Fund Bank Balance	3,576,524
Cash Balance - Electric Fund Bank Balance	3,220,674
Cash Balance - Water Fund Bank Balance	1,295,182
Cash Balance - Sewer Fund Bank Balance	243,374
Cash Balance - Trash Fund Bank Balance	54,971

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	355,173	187,227	2,463,604	\$417,493
Deposits			86,987	
Interest Earned this Month	384	265	3,546	
Disbursements this Month	(83,417)		(41,667)	
Investments				
Ending Cash Balance	\$272,140	\$187,492	\$2,512,470	\$417,493

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	2,788,718	8,125,588	3,776,353	9,157,642
Deposits		530,939	274,634	576,342
Interest Earned this Month	2,793	8,137	3,782	9,752
Disbursements this Month	(237,873)	(824)	(383)	(1,243)
Investments				
Ending Cash Balance	\$2,553,638	\$8,663,840	\$4,054,386	\$9,742,493

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	2,082,275	\$1,307,825	\$592,015
Deposits	32,660	\$17,262	\$7,200
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,114,935	\$1,325,087	\$599,215

INTEREST THROUGH THE THIRD MONTH OF THE FISCAL YEAR:

General Fund	10,774	Water Fund	7,819
GF Capital Reserves	8,748	Water Capital Reserves	25,490
Municipal Street Aid	769	Sewer Fund	3,088
Real Estate Transfer Tax	11,362	Sewer Capital Reserves	11,847
Electric Fund	15,213	Trash Fund	348
Electric Reserves	30,550		

TOTAL INTEREST EARNED TO DATE \$126,008

REVENUE REPORT

Page Two

Date: September 2018	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	125,000	0	45,415	36.33%
General Fund Reserves	500,500	0	0	0.00%
GF Reserves-New Police Officers	17,476	17,476	17,476	100.00%
Realty Transfer Tax-Police	500,000	41,667	125,000	25.00%
Real Estate Tax	3,927,717	2,109	3,900,970	99.32%
Business License	50,000	900	2,900	5.80%
Rental License	85,000	150	700	0.82%
Building Permits	160,000	13,227	51,444	32.15%
Planning & Zoning	15,000	3,690	14,750	98.33%
Grasscutting Revenue	16,000	2,000	6,000	37.50%
Police Revenues	462,485	162,334	224,764	48.60%
Misc. Revenues	376,065	11,785	38,810	10.32%
Transfers From	3,370,720	280,893	842,680	25.00%
Total General Fund Revenues	\$9,605,963	\$536,231	\$5,270,909	54.87%
Water Revenues	2,848,500	113,199	688,632	24.18%
Sewer Revenues	2,606,500	97,567	601,670	23.08%
Kent County Sewer	1,850,000	52,505	417,823	22.59%
Solid Waste Revenues	1,178,243	93,632	281,398	23.88%
Electric Revenues	25,125,000	1,731,487	7,040,503	28.02%
TOTAL REVENUES	\$43,214,206	\$2,624,621	\$14,300,935	33.09%
YTD Enterprise Expense		(18,527)		
YTD Enterprise Revenue		14,188		
LTD Carlisle Fire Company Building Permit Fund		152,441		

EXPENDITURE REPORT

Page Three

Date: September 2018

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	522,678	\$33,085	91,982	17.60%	430,696
O&M	117,430	\$8,524	21,467	18.28%	95,963
Capital	0	\$0	0		0
Total City Manager	\$640,108	\$41,609	\$113,449	17.72%	526,659
Planning & Zoning					
Personnel	145,345	\$11,229	31,429	21.62%	113,916
O&M	38,475	\$2,369	9,240	24.02%	29,235
Capital	0	\$0	0		0
Total P, C & I	\$183,820	\$13,598	\$40,669	22.12%	143,151
Code Enforcement & Inspections					
Personnel	312,525	\$10,493	29,342	9.39%	283,183
O&M	51,050	\$18,313	42,304	82.87%	8,746
Capital	0	\$0	0		0
Total P, C & I	\$363,575	\$28,806	\$71,646	19.71%	291,929
Council					
Personnel	31,230	\$2,375	6,577	21.06%	24,653
O&M	55,000	\$7,062	14,593	26.53%	40,407
Council Expense	17,500	\$212	8,792	50.24%	8,708
Contributions	175,500	\$0	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	\$4,349	8,698	47.79%	9,502
Christmas Decorations	10,000	\$0	0	0.00%	10,000
Economic Development	5,000	\$127	802	16.04%	4,198
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	\$1,385	2,885	24.04%	9,115
Capital	30,400	\$0	0	0.00%	30,400
Total Council	\$445,830	\$15,510	\$121,235	27.19%	324,595
Finance					
Personnel	427,660	\$35,291	97,870	22.89%	329,790
O&M	84,850	\$3,084	13,904	16.39%	70,946
Capital	0	\$0	0		0
Total Finance	\$512,510	\$38,375	\$111,774	21.81%	400,736
Information Technology					
Personnel	159,366	\$12,246	33,999	21.33%	125,367
O&M	200,450	\$18,666	31,979	15.95%	168,471
Capital	49,000	\$16,251	42,863	87.48%	6,137
Total Information Technology	\$408,816	\$47,183	\$108,841	26.62%	299,975

EXPENDITURE REPORT

Page Four

Date: September 2018

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	4,199,720	\$320,566	881,927	21.00%	3,317,793
O&M	541,888	\$76,036	147,410	27.20%	394,478
Capital	95,100	\$7,070	90,444	95.10%	4,656
Total Police	\$4,836,708	\$403,672	\$1,119,781	23.15%	3,716,927
Streets & Grounds Division					
Personnel	394,200	\$28,420	79,060	20.06%	315,140
O&M	444,305	\$27,629	71,086	16.00%	373,219
Capital	182,000	\$0	0	0.00%	182,000
Total Streets & Grounds	\$1,020,505	\$56,049	\$150,146	14.71%	870,359
Parks & Recreation					
Personnel	701,515	\$57,410	174,811	24.92%	526,704
O&M	286,100	\$14,693	65,231	22.80%	220,869
Capital	189,000	\$0	32,660	17.28%	156,340
Total Parks & Recreation	\$1,176,615	\$72,103	\$272,702	23.18%	903,913
Total General Fund					
Operating Budget	\$9,588,487	\$716,885	\$2,110,243	22.01%	7,478,244

EXPENDITURE REPORT

Page Five

Date: September 2018

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	269,170	\$21,746	56,867	21.13%	212,303
O&M	1,216,187	\$75,207	250,554	20.60%	965,633
Capital	1,033,378	\$0	0	0.00%	1,033,378
Debt Service	329,765	\$46,500	65,448	19.85%	264,317
Total Water	\$2,848,500	\$143,453	\$372,869	13.09%	2,475,631
Sewer Division					
Personnel	267,659	\$20,526	54,381	20.32%	213,278
O&M	1,201,036	\$110,313	289,432	24.10%	911,604
Capital	742,315	\$158,209	158,209	0.00%	584,106
Debt Service	395,490	\$0	12,735	3.22%	382,755
Sewer Sub Total	\$2,606,500	\$289,048	\$514,757	19.75%	2,091,743
Kent County Sewer	1,850,000	\$159,151	524,009	28.32%	1,325,991
Total Sewer	\$4,456,500	\$448,199	\$1,038,766	23.31%	3,417,734
Solid Waste Division					
Personnel	355,828	\$25,908	71,852	20.19%	283,976
O&M	822,415	\$69,577	222,114	27.01%	600,301
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,178,243	\$95,485	\$293,966	24.95%	884,277
Total Water, Sewer Solid Waste	\$8,483,243	\$687,137	\$1,705,601	20.11%	6,777,642
Electric Division					
Personnel	1,394,940	\$103,478	281,959	20.21%	1,112,981
O&M	2,055,683	\$133,878	404,650	19.68%	1,651,033
Transfer to General Fund	2,500,000	\$208,333	625,000	25.00%	1,875,000
Capital	554,412	\$31,000	33,200	5.99%	521,212
Debt Service	319,965	\$0	0	0.00%	319,965
Electric Sub Total	\$6,825,000	\$476,689	\$1,344,809	19.70%	5,480,191
Power Purchased	18,300,000	\$1,481,636	4,914,262	26.85%	13,385,738
Total Electric	\$25,125,000	\$1,958,325	\$6,259,071	24.91%	18,865,929
TOTAL OPERATING BUDGET	\$43,196,730	\$3,362,347	\$10,074,915	23.32%	33,121,815

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: September 2018

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	91,215	7,117	20,540	22.52%	70,675
O&M	106,393	7,375	25,161	23.65%	81,232
Capital	50,000	10,010	26,865	53.73%	23,135
Total Garage Expense	\$247,608	24,502	\$72,566	29.31%	175,042
Public Works					
Personnel	554,980	40,566	116,897	21.06%	438,083
O&M	206,055	12,293	45,213	21.94%	160,842
Capital	10,000	0	0	0.00%	10,000
Total Public Works Expense	\$771,035	52,859	\$162,110	21.02%	608,925
Billing & Collections					
Personnel	559,820	46,820	128,138	22.89%	431,682
O&M	225,650	18,066	51,251	22.71%	174,399
Capital	20,000	0	0	0.00%	20,000
Total Billing & Collections	\$805,470	64,886	\$179,389	22.27%	626,081
City Hall Cost Allocation					
Personnel	0				0
O&M	45,800	14,027	22,833	49.85%	22,967
Capital	0				0
Total City Hall Cost Allocation	\$45,800	14,027	\$22,833	49.85%	22,967

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.

MAYOR'S ANNUAL HOLIDAY TREE LIGHTING CEREMONY

Saturday, November 24, 2018
5:00 pm

Join Mayor Campbell to kick off the holiday season at Milford's free, festive family celebration. Caroling with the Milford Central Academy choral program students!

Milford City Hall
201 South Walnut Street



October 25, 2018

Mayor Archie Campbell
City of Milford, DE

Dear Mayor Campbell,

Thank you for your letter dated Sept. 28. Since I appear to be the only one who received a letter from the city, I will respond, utilizing the suggestions from others who signed the Police Initiative.

We would like to see the foot patrol begin at the Bank House B&B block (One block above N. Front) and extend to South Front, and on to the Riverwalk from Walnut to the pedestrian bridge at the South end of the park. Ideally, a patrol person could be on bicycle and cruise the entire Riverwalk in the warmer months.

Your attention to this matter is much appreciated and we look forward to hearing back from the city. Please share this letter with council members. I am copying Chief Brown.

Yours truly,

Milly Pedersen

Cc: Chief of Police Kenneth Brown



DJ, Games, Dancing, 50/50 Raffle to benefit Adopt-A-Family and Door Prizes!

Bring 5 or more non-perishable food items for the Food Bank of DE (hot & cold cereals, peanut butter, canned fruits, canned meats, shelf stable milk, canned vegetables and spaghetti sauce) and receive an extra door prize ticket!

UGLY SWEATER CONTEST!



Wear your purchased or personally created ugliest holiday sweater and the ugliest will receive a prize!! *Rules on reverse.*

Holiday Ham pick up is December 12 between 2:00 pm and 5:30 pm. If you would like to donate your ham to the Food Bank of DE in Milford, please let Christine know when you RSVP for the party.

Hams not picked up by December 13 will be donated.

UGLY SWEATER RULES:

To be eligible as an **Ugly Sweater** contestant you must wear a Christmas, Hanukkah, Kwanzaa or Winter themed sweater or sweater vest to the party.

Turtlenecks, sweatshirts and long or short-sleeved t-shirts do not qualify, but you may wear such items underneath an Ugly Sweater/Vest, but it will not be considered part of your sweater and therefore not eligible for judging.

You may add to or alter your sweater however you like, have fun and get creative ... - felt, yarn, LEDs, plastic, clock gears, trees, garland, ornaments, buttons, etc!

Additional items such as pants, skirts, dresses, hats, jewelry or other festive attire will not be considered when voting for the Ugliest Sweater. An item must be attached to your sweater in order to be eligible.

You can be disqualified from the Ugliest Sweater contest for the following:

1. Putting on your Ugly Sweater after entering the party. You must already be wearing your sweater when you show up to the party.
2. Removing your sweater before the Ugliest Sweater Winner is announced. You must keep your Ugly Sweater on during the party until the Winner is announced.
3. Altering your Ugly Sweater after entering the event. Any and all alterations or additions to your Ugly Sweater must be completed before entering the party.
4. Swapping your Ugly Sweater with another contestant before the Ugliest Sweater Winner has been announced.
5. If your Ugly Sweater does not have a Christmas, Hanukkah, Kwanzaa or Winter theme.



PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Funding for Cost of Services and Rate Design Study –
Water, Wastewater, and Solid Waste
Date: November 8, 2018

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 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.

UFS, Inc completed a similar study for the Electric Division in 2017, which resulted in a major rate structure change for City costumers. Staff believes it is in the City's best interest to ensure rates not only meet the needs of the City, but remain competitive with other Delmarva communities and allow the City to be an attractive location for future developers and businesses.

Staff presented the proposal to the Public Works and Finance Committee on August 13, 2018. The Committee voted to endorse the staff recommendation. The proposal was then recommended to City Council on September 10, 2018. Council requested staff investigate potential alternative firms that may be interested in completing the study, as well as investigating similar studies completed by other Delaware cities.

Staff found that both the City of New Castle and City of Lewes had UFS complete similar studies for their utilities. City of Dover is currently seeking proposals for similar study. A local Dover engineering firm was identified as completing water and sewer rate studies for other Delaware cities, but when contacted, the firm was not interested in the Milford proposal because they lacked experience in refuse collection.

Based on the feedback from the City of Lewes and the City of New Castle, and the fact that UFS has both experience in working with Milford's utility rate structures, as well as the ability and experience to complete all phases of the rate study, staff recommends the contract be awarded to UFS, Inc.

Additionally, staff recommends UFS complete an evaluation of impact fees as well. UFS has agreed to discount the cost of completing the impact fee analysis, if completed as the same time as the cost of services study. Typically the cost would be \$2500 per utility, however UFS agreed to complete the analysis of both water and sewer for a total cost of \$3500, or \$1750 per utility.

Council approval for funding the study is needed since the study was not included in the 2019 budget.

Recommendation: Staff recommends Council authorize the study and allocate funding for the project as follows: Water Reserves - \$14,250, Sewer Reserves - \$14,250 and Solid Waste Operating Budget - \$9,000.



Chapter 130 - Floodplain

Planning Department



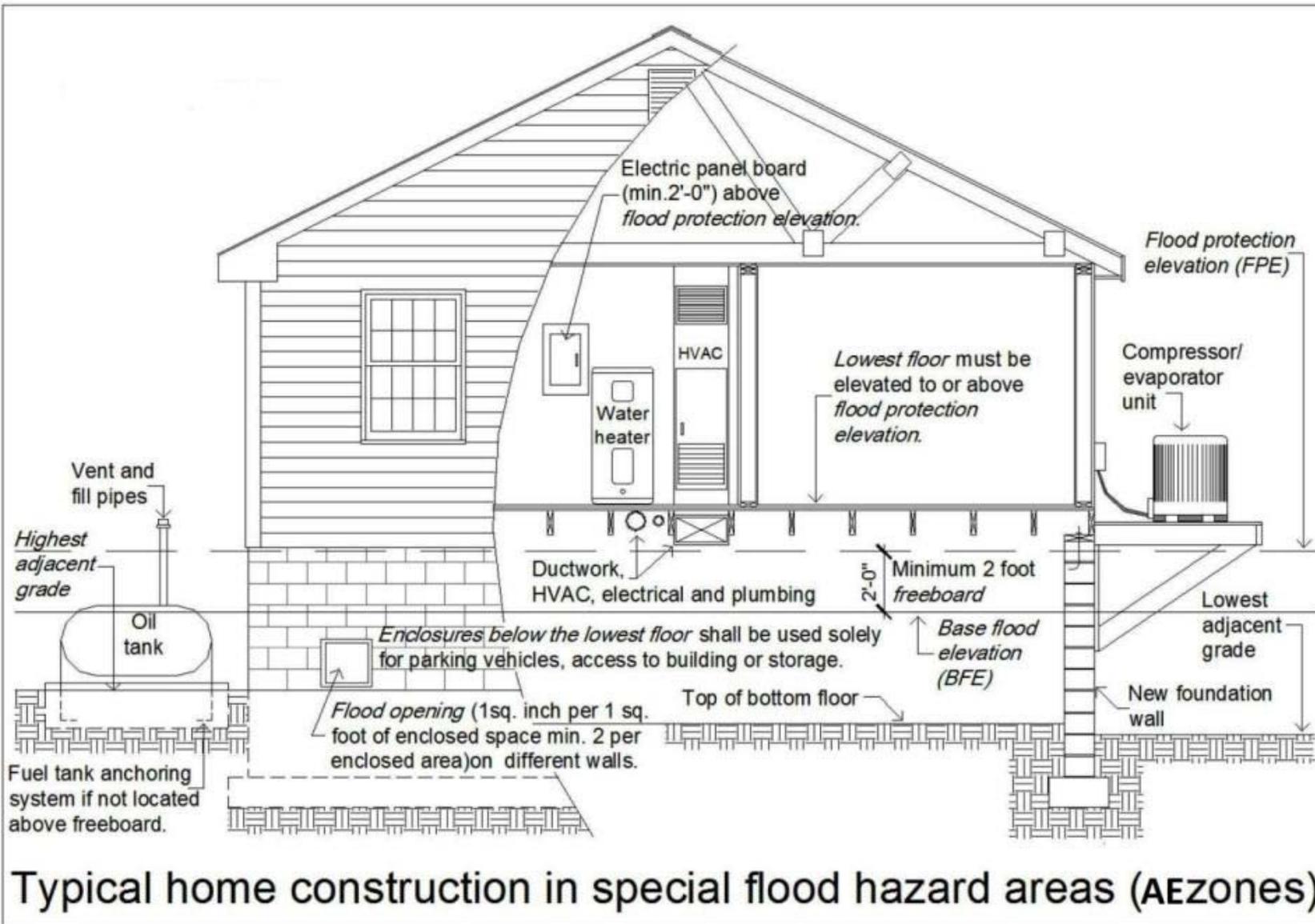
2018 Comprehensive Plan

Chapter 5-7. Resilient Housing

“The city could revise the floodplain management regulations so that projects involving new construction or substantial improvement in the FEMA-designated floodplain include a freeboard requirement.”

Goal: Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.

Objective: Update the City’s floodplain ordinance and consider adopting a freeboard requirement.



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 16, 2018

CITY COUNCIL PUBLIC HEARING: NOVEMBER 26, 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, November 26, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-25
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 130-FLOOD PLAIN MANAGEMENT

WHEREAS, The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Milford. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contributes to the flood loss; and

WHEREAS, The City of Milford, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on June 1, 1977. Subsequent to that date or the initial effective date of the City of Milford Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the City of Milford's floodplain management regulations in effect at the time of construction, and all development, new construction, and substantial improvements subsequent to the effective date of these regulations shall be compliant with these regulations.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 130 entitled Flood Plain Management.

Section 2.

Article I-Findings, §130-4 Basis for establishing special flood hazard areas is hereby amended as follows:

Maps and studies that establish special flood hazard areas are on file at ~~210 South Walnut Street, Milford, Delaware 19963~~ **the City of Milford Planning Department.**

Section 3.

Article III-Administration, §130-10 Designation of the floodplain administrator is hereby amended as follows:

The ~~Building Inspector~~ **City Manager** is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22, as may be hereafter amended.

Section 4.

Article IV-Requirements in All Special Flood Hazard Areas, §130-21 Buildings and structures is hereby amended as follows:

(D) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located ~~at or~~ **a minimum of 18 inches** above the base flood elevation. Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 - Elevator Installation.

Section 5.

Article IV-Requirements in All Special Flood Hazard Areas, §130-25 Gas or liquid storage tanks is hereby amended as follows:

(B) Above-ground tanks in special flood hazard areas shall be elevated and anchored ~~to or~~ **a minimum of 18 inches** above the base flood elevation or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

Section 6.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-27 Residential structures and residential portions of mixed use structures is hereby amended as follows:

(A) Elevation Requirements

- (1) The lowest floor (including basement) shall be elevated to ~~or~~ **at least 18 inches** above the base flood elevation.
- (2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus at least 18 inches, or at least 3.5 feet if a depth is not specified;**

adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

(C) Manufactured Homes. New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (1) Be elevated on a permanent, reinforced foundation that raises the lowest floor to ~~or~~ **at least 18 inches** above the base flood elevation and is otherwise in accordance with §130-27(A).

Section 7.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-28 Nonresidential structures and nonresidential portions of mixed use structures is hereby amended as follows:

(A) Elevation Requirements.

- (1) The lowest floor (including basement) shall be elevated to ~~or~~ **at least 18 inches** above the base flood elevation or the structure shall be dry floodproofed in accordance with §130-28(B).
- (2) In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus at least 18 inches, or at least 3.5 feet if a depth number is not specified**; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

(B) Dry Floodproofing Requirements. Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation **plus 18 inches**. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus 18 inches, or at least 3.5 feet if a depth number is not specified**.

Section 8.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-29 Accessory structures is hereby amended as follows:

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

(E) Electrical service and mechanical equipment elevated to ~~or~~ **at least 18 inches** above the level of the base flood elevation; and

Section 9.

Article VI-Variances, §130-31 Variances is hereby amended as follows:

(C) Limitations for Variances

- (3) The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation **plus 18 inches** that the variance is to the floodplain management

requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

Section 10. Dates.

Planning Commission Review and Public Hearing: 10/16/18

City Council Introduction: 11/13/18

City Council Public Hearing: 11/26/18

Adoption: 11/26/18

Effective: 12/06/18

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

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.

Advertised: Beacon 09/26/18

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 20, 2018
CITY COUNCIL PUBLIC HEARING: NOVEMBER 26, 2018

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 20, 2018 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, November 26, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-26
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 200-SUBDIVISION OF LAND

WHEREAS, The City of Milford has adopted subdivision of land regulations in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces; and

WHEREAS, The City seeks to modify the definition of a minor subdivision; and

WHEREAS, The City wishes to grant the Planning Director the authority to administratively approve minor subdivisions, lot line adjustments and consolidating of lots; and

WHEREAS, The City desires to provide a process for revising existing recorded subdivisions; and

WHEREAS, The City seeks to impose an expiration on recorded subdivisions.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Chapter 200 is hereby amended by striking language indicated by strikethrough and adding language shown as underlined.

Section 2.

§ 200-3. - Definitions.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter 230, Zoning, or this chapter; limited to ~~four~~ five lots.

Section 3.

§ 200-5. – Administrative Approvals

The following land use actions may be approved administratively, unless otherwise determined by the Planning Director or designee.

A. Minor Subdivision

(1) A minor subdivision is one that creates a total of five or fewer parcels of land (including any residual) either on an existing public roadway or on a private road and may be approved administratively, provided:

(a) Minor subdivision shall be subject to the process and procedures in Section 200-5(E).

(b) Minor subdivision plans shall contain all information as required by Section 200-5(E).

B. Minor Lot Line Adjustment

(1) Minor lot line adjustments or the sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries may be approved administratively, provided:

(a) The total area of the adjustment does not exceed 10% of the combined area of the lots affected by the adjustment;

(b) No additional lots are created;

(c) The adjusted lot line is approximately parallel with the original lot line, when appropriate, or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved;

(d) The owner submits a survey plan for review and approval by the Planning Director.

(2) Approval of the record plan does not automatically transfer a property. A separate deed must also be recorded simultaneously to transfer the property being conveyed.

(3) The Planning Director may permit an increase in the percentage of the combined area of the lots affected by the lot line adjustment following a request for such with justification from the applicant.

C. Consolidation of Lots

(1) The consolidation of two or more lots may be approved administratively, provided:

(a) Any conditions applicable to any applicable original subdivision remain in full force and effect;

(b) The consolidation of lots, including those within major subdivisions, shall be recorded as provided in in Section 200-5(E) below and may not be re-subdivided except through minor subdivision.

(c) A revised deed must also be recorded simultaneously with the consolidation describing the lots as one lot; and

(d) The owner submits a survey record plan for review and approval by the Planning Director.

D. Change in ownership, mortgage, or lease line.

(1) The creation of mortgage, or lease line within a commercial, industrial or multifamily residential lot does not require the approval of a new subdivision plan. At the owner's discretion, a plan depicting the creation or deletion of internal lots to reflect a new mortgage or lease line may be recorded after administrative approval, provided:

(a) All prior conditions of approval for the original subdivision remain in full force and effect;

- (b) Any necessary cross-easements, covenants, or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat;
- (c) The owner submits a survey plan for review and approval by the Planning Department.

E. Process and Procedures

- (1) The application must be submitted by the legal owner of the subject property, or a representative authorized by the legal owner, to the Department and must consist of the following:
 - (a) Two paper prints of the subdivision plan and any attachments, including the approved checklist;
 - (b) A review fee, as outlined in Chapter 230-57;
 - (c) Parcels created that do not meet the minimum requirements for building lots must be incorporated into an adjacent property. Such incorporation must be indicated on the plan and the following note shall be added to the plan: "The approval of this subdivision plan does not constitute a separate building lot but is intended to be combined with an adjacent property;"
 - (d) Neither landlocked parcels nor parcels not meeting the requirements for a buildable lot according to Chapter 230, Zoning, may be created without designation of conveyance to another parcel. A deed for the conveyance must be submitted with the record plan and recorded simultaneously with the plan;
 - (e) For minor subdivisions, letters of "no objection to recordation" may be required or a stamp of approval may be required on the record plat from, but not limited to, the following agencies:
 - 1. The Kent or Sussex Conservation District; and
 - 2. The Delaware Department of Transportation.
 - (f) A set of deed restrictions and/or perpetual maintenance agreement that clarifies and controls the operation and maintenance of any private facilities (private streets, access easements, etc.); and
 - (g) Any additional information that the Department deems pertinent to this subdivision plan.
- (2) If the subdivision plan is approved by the Department, the plan will be signed by the City Manager, City Engineer and Planning Director and returned to the applicant for recordation. Two copies of the approved plan will be retained by the City.
- (3) A final record plat must be submitted to Department within 90 days of approval or the approval is no longer valid.
- (4) Transactions involving acquisitions of public rights-of-way pursuant to 17 Del. C. 137 and all land acquired by the exercise of the power of eminent domain or by voluntary agreement in lieu of the exercise of the power of eminent domain are exempt from the provisions of this article.

Section 4.

§ 200-6. – Revisions to recorded subdivision plats.

- A. For rerecording of previously subdivided and recorded major subdivision and minor subdivision, the revised plat must be signed by all lot owners within the subdivision who are adjacent to or share a common boundary line with the area of proposed change in addition to

75% of all lot owners within the entire subdivision. The adjacent property owners shall be included as a part of the required 75% of required signatures.

(1) A copy of the subdivision deed restrictions must accompany the application to revise a recorded subdivision plat. If there are procedures regarding revisions to the subdivision outlined in the deed restrictions, the applicant must meet the stricter of the two requirements.

B. Prior to seeking approval of any rerecording, the owner/applicant shall give notice to all persons indicated by assessment records to be lot owners within the subdivision. The owner/applicant shall provide proof of notification in the form of certified mail receipts for each lot owner to the Department.

C. With the exception of Subsections D and E below, new letters of "No objection" from all agencies granting original approval of a project must be submitted.

D. The following are exempt from the rerecording signature requirements:

(1) Administratively approved applications such as lot line adjustments where no additional lots are proposed; and

(2) Cases where utility easements are added to a subdivision plan.

E. For minor changes or alterations to recorded subdivision plats, in lieu of formal plan review by the Planning Commission and City Council, said minor changes may be administratively approved at the discretion of the Planning Director or designee, provided that such changes or amendments:

(1) Do not increase density;

(2) Do not substantially alter the road design or layout;

(3) Do not substantially alter the original conditions for approval;

(4) Involve no changes in permitted use of the property;

(5) Do not conflict with the specific requirements of this chapter or Chapter 230, Zoning;

(6) Do not change the general character or content of an approved plan in a material way;

(7) Have no adverse effect on adjoining or surrounding property;

(8) Do not result in any substantial change of major external access points;

(9) Do not decrease the minimum specified yards, setbacks, and open spaces; and

(10) Have no adverse effects on traffic operations.

Section 5.

§ 200-7. – Expiration of approved subdivision development plans

A. The following regulations concerning expiration of recorded and approved plans are applicable to major subdivisions and minor subdivisions.

B. Construction of improvements shown on recorded subdivision plans shall commence within five years of the original recordation date and continue progressing toward completion.

C. The Department shall notify by certified mail, return receipt requested, applicants and landowners of properties involving approved plans where construction has not commenced one year prior to the expiration date and again six months prior to the expiration date that they are subject to the expiration provisions and identify their options for possible reapproval.

D. For the purpose of this section, "commencement of construction" shall mean:

(1) That a building permit or such other permit or approval by City of Milford or an applicable state agency has been issued and construction commenced under such permit which is visible on an inspection of the property by a representative of City. Such

construction must be intended to accomplish the installation of improvements under Section 200-8, General Requirements and Design Standards, but excludes general earthmoving activities, and such work must have been started with a good-faith intention and purpose then formed to continue the work until completion.

(2) That all financial obligations associated with a City approved public works utility agreement have been satisfied and the improvements pursuant to said agreement have been completed, provided that the construction described in Subsection D(1) above shall commence within 10 years from receipt by the City of the final monetary contribution required under said agreement.

E. Construction shall be deemed to be progressing toward completion so long as there is no cessation in construction activity longer than 12 consecutive months. The City shall inspect sites semiannually to determine the progress of construction. If the City determines that construction activity has ceased for a period of 12 consecutive months or more, the staff shall notify the applicant and landowners by certified mail, return receipt requested, that construction shall recommence within 30 days or the subdivision shall be considered expired.

F. For subdivisions and land developments in which a certificate of occupancy has been issued for a dwelling, the subdivision shall no longer be subject to expiration.

G. The applicant and/or landowner shall bear the burden of providing evidence to the City establishing that construction has commenced within the five-year period and is progressing toward completion.

H. Applicants and/or landowners who have been notified that their projects may be subject to expiration have the following courses of action available to them:

(1) The applicant has the opportunity to provide evidence to the City establishing that construction has commenced;

(2) The applicant may apply to the City for reapproval of the project for an additional five-year period in accordance with the following procedures:

(a) The City shall review the original (i.e., initial) recorded and/or approved plan for consistency with all current provisions of this chapter, Chapter 230 Zoning, and the Comprehensive Plan. Such review may involve coordination with and review by applicable Development Advisory Committee (DAC) agencies. Based upon that review, the Planning Director will determine if the original recorded plan meets current standards, or if the original recorded plan requires minor revisions in order to comply with current standards, or if the original recorded plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.

(b) In the event that the Planning Director determines that the original recorded plan is consistent with current policies and regulations, he/she shall reapprove the plan and provide written notice to the owner of reapproval. Such approval shall allow the issuance of building permits in accordance with all conditions of approval. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.

(c) Should the Planning Director determine that the plan requires minor revisions in order to comply with current policies and regulations, such notice shall be provided in writing and the applicant shall make such adjustments for administrative approval. Once the required minor revisions are completed, the plan may be reapproved administratively by the City Planning Department

allowing the issuance of building permits subject to the provisions of the original record subdivision plan and/or any recorded resubdivision plans. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.

(d) Should the Planning Director determine that the plan would involve considerable revision to an extent that would change the scope of the project, the plan must be resubmitted for review by the Planning Commission and City Council for compliance with current policies and regulations. The City shall provide written notice to the owner of the specific areas of noncompliance. The landowner shall have the opportunity to make the necessary modifications to the plan and apply to the City as a new application in accordance with this chapter. Should new plans compliant with all current Code provisions be submitted, they must receive approval from the Planning Department, City Engineer, Planning Commission, and/or City Council, as applicable. Once reapproved, subdivision plans shall be recorded and shall have the effect of superseding the original record major subdivision plan. The owner/applicant shall then have five years from the date of reapproval to obtain building permits, commence construction, and progress toward completion.

(3) All of the above-referenced reviews, determinations, and reapprovals must be completed prior to the expiration of the five-year period.

I. Minor plan revisions, as described in Section 200-5, subsection E and F, that do not achieve full compliance with all current subdivision and land development provisions shall not reset the five-year time frame for commencement of construction and shall remain subject to expiration.

J. Should the five years lapse without the owner pursuing any of the options described in Subsections H(2)(a) through (d) above, the plan shall be considered expired. Expired subdivision plans shall be deleted from the City and County property records by deleting individual subdivision lots from the official City and County Tax Map and by eliminating the undeveloped parcels from the assessment records.

Section 6. Dates.

Planning Commission Review and Public Hearing: 11/20/18

City Council Introduction: 11/13/18

City Council Public Hearing: 11/26/18

Adoption: 11/26/18

Effective: 12/06/18

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

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Advertised: Beacon 10/24/18



TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

DATE: November 13, 2018

RE: **DeIDOT Transportation Alternatives Program (TAP)
NE Front Street – Phase I**

In December 2016, the City submitted an application to the State of Delaware, Department of Transportation (DeIDOT) for Transportation Alternatives Program (TAP) funding for bicycle and pedestrian improvements along NE & NW Front Street between Route 113 and Rehoboth Boulevard. The proposed project would include new sidewalks and curb, multi-use paths, landscaping and bump-outs where necessary, bicycle facilities, crosswalks, potential elimination of shoulders in some areas and narrowing of travel lanes to reduce speed. The TAP Program would fund concept design and 80% of the final design and construction phases.

In August 2018, concept renderings for Phase I of the project, between N. Washington Street and NE Fourth Street, were prepared and shared with City Council. In order to proceed to formal design, the State has requested payment of 20% of the estimated design costs, which is \$38,000.

On July 24, 2017, City Council appropriated \$30,000 for the final design, which was based on an estimated project cost prior to the preparation of the concept plans.

Staff recommends a motion to appropriate an additional \$8,000 from the Economic Development Fund in order for the State of Delaware, Department of Transportation to proceed with final design for Phase I of the NE Front Street Streetscape project.