

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 13, 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 Tuesday, November 13, 2018.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow (arrived late), Katrina Wilson 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 (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 Wilson.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the September 24, 2018 Annexation Committee Meeting, October 8, 9 and 22, 2018 Committee and Council Meeting/Workshops. Motion to approve made by Councilmember Wilson, seconded by Councilmember Peel. Motion carried.

RECOGNITION

Mayor Campbell read the following proclamation into record, followed by a presentation to Retiring Representative Kenton:

*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.

Following, Representative Kenton received a standing ovation by those in attendance.

In addition to several personal comments, Representative Kenton shared what an honor and a pleasure it has been for him to serve Milford, adding that it remains in good hands with newly elected Senator Dave Wilson and Representative and former Mayor Bryan Shupe.

MPD Recognition

A motion was then made by Councilmember Brooks and seconded by Councilmember Wilson, to add police recognition. Motion carried.

Chief Brown then commended the officers and dispatcher of C Shift, who under the supervision of Sergeant Shane Young, saved a life while on duty in late August. Photos followed.

MONTHLY POLICE REPORT

Police Committee Chairwoman Wilson referenced the report adding that Chief Brown asked her to report that he has obtained a radar sign on Seabury Avenue as a result of the increased number of speeding complaints. She expressed her appreciation to Milford Lions Club who assisted with the funding.

Councilman Boyle asked if Chief Brown was able to hire any successful candidates from those he interviewed to attend the New Castle County Police Academy that is starting in December. Chief Brown advised that three recruits have been hired. The fourth candidate was disqualified.

When asked if this fills all positions, Chief Brown confirmed he is still down one officer.

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

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report stating there are a couple missing items that will be added as soon as they are submitted by public works and customer service. The updated version will then be put on line later this week.

Councilmember Wilson moved to accept the City Manager report, seconded by Councilmember Starling. Motion carried.

MONTHLY FINANCE REPORT

City Manager Norenberg reported on behalf of Finance Committee Chairman Morrow who was running late for the meeting. Through September 2018, with 25% of the fiscal year having passed, 33% of revenues have been received and 23% of the total operating budget expended.

Motion carried by Councilmember Boyle and seconded by Councilmember Peel to accept the Finance Report. Motion carried.

COMMITTEE AND WARD REPORTS

Police Committee Chair Wilson commented about her experiences at the International Association of Chief of Police Conference she attended last month. She was provided with new strategies, techniques and resources that are needed to be successful in policing today.

She plans to discuss a few items with the City Manager in hopes of presenting them to Council at a later date.

COMMUNICATION AND CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

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

City Manager Norenberg recalled that the Public Works Department 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.

Public Works Director Mark Whitfield reported the proposal was presented 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 other potential firms that may be interested in completing the study, as well as investigating similar studies that may have been completed by other Delaware cities.

He announced that DEMEC members, the City of New Castle and City of Lewes had UFS complete similar studies for their wastewater and refuse collection. Both spoke very highly of the UFS process and agreed the result is a very defensible and fair rate structure.

Mr. Whitfield shared that they also spoke with a local engineering firm who had performed similar studies for other communities. The firm did not have experience in refuse collection and chose not to submit any proposal because of that.

The City of Dover and the City of Rehoboth Beach are also preparing to do similar studies.

The Public Works Director reminded Council that UFS completed a similar study for the Electric Division in 2017. That resulted in a major rate structure change for City customers.

It is his believe that it is in the City's best interest and that this is needed, not only to meet the needs of the City, but to remain competitive with other Delmarva communities.

He added that Council needs to approve the funding for the study because it was not included in the 2019 budget.

When asked why this wasn't included in this year's budget discussions and whether this could wait until the next fiscal year, Councilmember Wilson recalled it being discussed. Councilman Boyle agreed adding that the conversation included concerns there was no justification or ability to defend the rates. The study on the electric rates provided a foundation that would allow more informed decisions on rate structures. As a result, the rates slightly decreased.

In his opinion, Councilman Boyle feels it is important to complete the rate picture because there was no solid background information should rates be questioned by our users. It will also provide a better projection of our operating budgets.

Councilmember Wilson and Peel both added that reserve funds were also discussed and how the City never had any related policies related to spending and/or minimum and maximum balances.

Public Works Director Whitfield said the study could wait; however, on the refuse side, the City is not bringing in enough to cover the cost of replacing vehicles. There is a need to dive into those rates and consider adjusting those rates in order to address those issues.

Councilmember Peel agrees there is a need to find out if we are charging the right amount now or if there is a need to adjust.

Councilmember Mergner said he is not disputing the need for the study. He is only questioning the timing and his concern to go outside the current budget. Public Works Director Whitfield confirmed this would be funded out of reserve funds regardless of if it is approved now or eight months from now. Councilmember Mergner was satisfied and said that answers his question.

Councilmember Boyle moved to authorize the Cost of Services and Rate Design Study and allocate funding from Water Reserves in the amount of \$14,250, Sewer Reserves in the amount of \$14,250 and Solid Waste Operating Budget in the amount of \$9,000, seconded by Councilmember Wilson. Motion carried with no one opposed.

NEW BUSINESS

Introduction/Ordinance 2018-25/Chapter 130 Flood Plain Management

Mayor Campbell introduced the following ordinance:

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, by removing language indicated by strikethrough and adding language shown as underlined.

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 ~~City Hall, 210 South Walnut Street, Milford, Delaware 19963~~ and City of Milford Planning Department at _____.

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.

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.

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 Public Hearing and Recommendation: 11/20/18

City Council Introduction: 11/13/18

City Council Public Hearing and (Proposed) Adoption: 11/26/18

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

Planning Director Pierce recalled the presentation by a DNREC representation, a local architect and a member of the insurance industry at which time the impact of adding additional freeboard requirements to the City's Floodplain Ordinance was discussed.

A public hearing has been scheduled at the November 26th meeting.

Introduction/Ordinance 2018-26/Chapter 200 Subdivision of Land

Mayor Campbell introduced the following ordinance:

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 removing language indicated by strikethrough and adding language shown as underlined.

Section 2-5.

See November 13, 2018 Council Packet.

Section 6. Dates.

Planning Commission Review and Public Hearing: 11/20/18

City Council Introduction: 11/13/18

City Council Public Hearing and (Proposed) Adoption: 11/26/18

Mr. Pierce explained that this will allow the minor applications to be approved over the counter and will establish a sunset provision for subdivisions.

The Planning Commission will review the amendment before it returns to Council for a Public Hearing.

Authorization/Funding/TAP Program/Phase I/Northeast Front Street

Mr. Pierce recalled that the City has been going through the process with the State of Delaware Department of Transportation (DelDOT) for a Transportation Alternatives Program (TAP) project for bicycle and pedestrian improvements along Northeast and Northwest Front Street between Route 113 and Rehoboth Boulevard.

Back on July 24, 2017, City Council appropriated \$30,000 for the final design, based on an estimated project cost prior to the preparation of the concept plans. A public meeting was held at City Hall at which time the concept renderings were provided.

It is recommended that City Council approve an additional appropriation of \$8,000 from the Economic Development Fund which will allow DelDOT to proceed with final design for Phase I of the NE Front Street Streetscape project and increase the City's contribution to \$38,000

Mr. Pierce believes the project cost increased slightly above was initially estimated. The City is responsible for 20% of the design, costs which were estimated at \$30,000.

Councilmember Peel moved to appropriate an additional \$8,000 from the Economic Development Fund to fund the DelDOT Final Design Phase I of the Northeast Front Street Streetscape Project, seconded by Councilmember Starling. Motion carried with no one opposed.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:52 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Councilman Morrow arrived during the Executive Session.

Return to Open Session

Council returned to Open Session at 8:11 p.m.

Council Appointee Evaluation

Councilmember Wilson moved to direct the HR Director to work with the City Clerk to amend the City Clerk's job description to more accurately match her current duties, seconded by Councilmember Morrow. Motion carried.

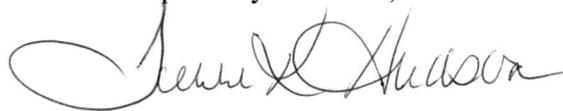
Councilmember Wilson moved to authorize the new salary and increase as recommended by Mayor and City Council, seconded by Councilmember Boyle. Motion carried.

ADJOURNMENT

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

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

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder