

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 26, 2018

The City Council of the City of Milford met in Workshop Session on Monday, November 26, 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, Todd Culotta, Owen Brooks Jr., Douglas Morrow and James Starling Sr.

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

*Scope of Work/Design, Engineering & Architectural Services/Replacement Police Facility*

City Manager Norenberg reported that earlier this summer, a Request for Qualifications was issued for the design and engineering of the replacement police facility which would replace the current Milford Police Department at 400 Northeast Front Street. Six proposals were received and screened. Ultimately that was reduced to two finalists who were interviewed in October by Police Chair Wilson, Chief Brown, ICMA Fellow Evan Miller and City Planning Director Pierce and the City Manager.

He advised the project will consist of two phases. The first will be the design for presentation to Council and for public consideration. After the public vote is approved, the next phase would consist of a more detailed design that would be bid. That would be followed by the construction phase.

Becker Morgan Group (BMG) was selected and since that time, Principal Gregory Moore has met with staff several times to discuss the scope of work. Mr. Moore is in attendance to take any feedback and suggestions Council may have. Once finalized, fees and a contract price will be negotiated for both phases. That would then be brought back before City Council for final authorization.

Mr. Moore was present and introduced himself as the project manager. He shared that BMG Principal Ernie Olds will be working on the project. Mr. Olds is an expert in public service projects who focuses on police stations, fire stations and 911 centers.

He explained that they will not attempt to design the entire facility in the initial phase. Their main goals are to do enough design while preparing a very competent and very detailed cost estimate is needed to achieve the budget. They also will prepare enough materials of design to show both Council, the police department and the public how the building will look, provide square footage and the layout of the building and site lay outs.

Based on his understanding, the scope of services will be as follows:

They will perform a boundary and typographic survey of the two parcels being considered. Any visible monuments will be located and deed research performed to determine the property's extents. The boundary survey will be performed in accordance with Delaware State Survey Standards and on the Delaware State Plane Horizontal Coordinate System. Upon completion of the boundary survey, additional monuments will be set as needed. Upon completion of fieldwork, a signed and sealed boundary survey drawing will be provided.

The topographic survey will locate existing structures, roadways/paved areas, visible or marked utilities, trees, and other existing conditions necessary to prepare a topographic base plan. A topographic base plan will be prepared showing the

existing boundaries of the property along with all field surveyed information along with contours at one-foot intervals and spot grades. The survey will be based on the required data needed for site plan design. The City of Milford Public Works Department will provide utility as-built drawings to supplement Miss Utility markings. Private locator services are excluded.

Using the Redstone Report only as a point of beginning, Becker Morgan's team will visit and tour the current station to try and determine the exact square footage needed for each component within the department. Next, growth will be projected to decide the exact square footage needed to evaluate the building.

With the police department, the actual concept building plan, which is a layout of the building showing the offices, hallways, restrooms, lock down areas, etc. will be created. A site plan will also be created to this level so that their partner, Richard Y Johnson, can develop a concept cost estimate. It will most likely be based on a square footage and exact amount of the site.

The costs of other police stations, such as Delaware State Police Troop 3, completed by BMG, will be used. BMG also just bid Troop 7. Both local projects will help with cost estimations.

Mr. Moore explained that if everyone is on board with the footprint and building layout, as well as the budget, they would then proceed by adding more design, which is referred to as the schematic component. That is basically 20% of the full design, and will include more detail based on mechanical, electrical, plumbing, etc.

RY Johnson will then be able to provide a more detailed cost with more breakdowns and not just a per square foot number.

Four presentations will be provided to the public. Two will be devoted to the site for the purpose of listening to the public of what is going to happen on the balance of the property. It is very clear from their experiences, the approximate sixteen acres, is much larger than what is needed for the police station.

A two-day space planning charette will then be conducted for the public to determine space needs (inclusive of space type, occupant load, square footage, individual space needs, spatial arrangement/adjacencies). Based on that information, they will provide a conceptual building block plan. Using the block plan developed in the programming phase, a conceptual building plan will then be prepared.

A residual land plan(s) would follow. Options may include placing the building on the rear of the property with a cut out on the front for a commercial use that could be sold to offset the construction costs, moving the building toward the front with potential residential uses in the rear (which could be sold to a developer to help offset the cost of the project). Public uses may also be considered such as a park, aquarium or whatever public use the City feels is best. In that way, both properties would stay together under City ownership.

Once that is done, conceptual drawings would be created to be presented to the public so that they would understand any option under consideration.

The last portion will present to the public the decisions that were made (land plan, use of remainder of property, final product) through 3D images showing what the building would look like and what materials are being used and the floor plan.

That would then be presented in two final presentations with one in the Council Chambers and the other in a different location.

After that, the project would be ready for the referendum.

Mr. Moore stated that he does not believe the property is in the floodplain though a portion of the front may be. The intent of the survey will be to show the floodplain on the property and those adjacent to it. He believes it will be adjacent considering the raised height in comparison to the current police site which is in the floodplain.

That could help determine where the entrance to the facility will be located off Front Street or toward the back where the land is raised approximately ten feet.

When asked by Councilman Brooks if this would be a certified police station, Mr. Moore explained there is a LEED certification, which is a green building design. Mr. Moore reported that Troop 3 is designed for LEED Silver certification though the State of Delaware did not want to spend the money to get it certified.

City Manager Norenberg said that what was being referred to is the CALEA accreditation which is presently a problem due to the deficiencies of the current facility. Mr. Moore explained that his specialist Mr. Olds will be able to provide more related details. If that is the goal, most of the plan will need to be based on that. That includes an entire list of items, such as the distance of the parking lots to the front, door, how the front door is positioned, to the ability to observe certain areas, just to name a couple, though he could go on and on. That can be incorporated into the design.

Mr. Norenberg asked Council's input on what has been presented by Mr. Moore at this point, and if anyone feels something needs to be added or removed.

Councilmember Peel said it sounds good to her. She asked at what point the collaboration should be started with the PR firm and how that works. Mr. Moore stated that needs to be started on day one. He will need to know what they need and a schedule created of when. His work will take up to four months. Once the survey data is completed, decisions will need to be made. Some of the initial programming can be done with Chief and his staff while that is happening.

Mr. Moore pointed out that while it is very important that everyone be in line with the police department because they are the ones that will need to create a case on why these new facilities are needed. The 3D graphics will help the public understand the size and the appearance of the building.

Though everyone knows what a good-looking building is, each person is different and why there is a need for a good graphic. Because of Milford's history and where this is going downtown, it probably needs to be a traditional look with some modern additions.

Mr. Moore said they will work with the PR firm so they understand what is needed, but they will not be the PR firm. BMG will provide the materials they need and they will also attend the public meetings.

He asked if Council agrees that four meetings are sufficient, considering two will be listening to the public with the final product presented at the next two. He anticipates the PR firm being in at least two meetings and possibly all four, if they feel that is appropriate.

Councilmember Peel feels that if BMG is coordinating the project, she is comfortable because they are the experts in deciding how it would look. It sounds like BMG will provide the technical vision and the PR firm will create an overall vision with both accepting some input from the police and the Milford community.

Mr. Norenberg stated that Evan Miller is pulling out of Milford's files and previous minutes any feedback gotten from the public a year ago during the community conversations. Not just the public, but the officers that came to the four community conversations held at the police department. He will also provide the data received last summer when the phase 1 analysis was done of the site. That will be provided to help Council make decisions as we move forward.

Councilman Boyle referenced the revised proposal that addresses 30,000 square feet and asked where that number came from. Mr. Moore explained that was in the Redstone report, and included a component of current needs and a component of growth in that number. However, they believe that component of growth may be a little greater than is needed today, based on current technology used in today's policing, though they will work that out with the Chief and his staff.

Councilmember Boyle does not see a flexibility for growth in the proposal. He pointed out Milford is at 11,000 residents now and we barely have enough officers. The projected growth, based on the comprehensive plan, states we will at a minimum double in twenty years. He wonders if Council will be asking the same questions at that point and will this station provide the flexibility to meet those needs over those twenty plus years.

Mr. Moore said the property is large enough to plan for twenty, thirty and even beyond that in years. The question is how much the City is able to afford right now and how much growth should be added to the design or instead the flexibility to expand at a later date.

He agrees those are budget driven issues that need to be discussed and determined early in the concept cost stage.

Mr. Moore confirmed that they will project what is presently needed and then project what is needed with the expansion of the population in comparison to numbers of future police. What is built will be a function of where that budget number comes in based on the square footage.

What goes to the public will need to be a decision made with the Chief as to how much grown actually is needed to be built now.

Mr. Moore said they do not want to build a building that is good for thirty years from now though it ends up making the numbers so exorbitant it is hard for the public to digest. In addition, Council has to find the money or decide how much the City is willing to take on in debt. Regardless, he will plan for growth, whether it is wing additions, section additions, or something similar.

He reiterated that technology has also changed how policing is done. There is a lot more work done in the police vehicle through mobile computers today. That is increasing and improving every single day. That will also be accounted for when considering square footage that is needed. There is a need to be cautious not to build today's standards for twenty years into the future, because something may be included that may not be needed twenty years from now.

It was verified there are no concerns about the scope or the plan. Mr. Moore will continue to work with Mr. Norenberg on the fiscal aspects of their proposal and bring it back to Council for later authorization.

The City Solicitor has been reviewing the draft contract to keep things moving in parallel.

The Workshop Session concluded at 7:00 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Transcriber

*MILFORD CITY COUNCIL*  
 MINUTES OF MEETING  
 November 26, 2018

Milford City Council held a Public Hearing on Monday, November 26, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and James Starling Sr.  
 City Manager Eric Norenberg. Police Chief Kenneth Brown and Deputy City Clerk/Recorder Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

Mayor Campbell called the Public Hearing to order at 7:05 p.m.

*Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2018*

The City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, held a public hearing for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program.

Brad Whaley from the Sussex County Community Development and Housing Office and Frank Paquette from Kent County Housing and Community Development were in attendance.

Mr. Whaley reported that their offices apply for and administer the Community Development Block Grant (CDBG) Fund Programs for towns and cities in Kent and Sussex County. The funding originates with HUD (Department of Housing and Urban Development), through the Delaware State Housing Authority (DSHA) who administers the State's CDBG Program on behalf of municipalities and rural communities within the State.

The main objective of the funding is to assist low to moderate income residents with housing issues, primarily through housing rehabilitation. Small infrastructure projects, demolition and sewer and water connections are also considered.

One of the requirements is to hold a public hearing to allow the general public, or leaders of the City to comment or have input. Applications must be submitted by February 28, 2019 for the upcoming fiscal year.

Income is considered 80% of the area median income. The current guidelines, established by HUD this upcoming year, are as follows:

	30% OF MEDIAN	Kent County		30% OF MEDIAN	Sussex County	
		LOW	MODERATE		LOW	MODERATE
1 Person	14,800	24,650	39,450	14,450	24,050	38,500
2 Person	16,900	28,200	45,050	16,500	27,500	44,000
3 Person	19,000	31,700	50,700	18,550	30,950	49,050
4 Person	21,000	35,200	56,300	20,600	34,350	54,950
5 Person	22,800	38,050	60,850	22,250	37,100	59,350
6 Person	24,500	40,850	65,350	23,900	39,850	63,750
7 Person	26,300	43,650	69,850	25,550	42,600	68,150
8 Person	27,900	46,500	74,350	27,200	45,350	72,550

Property taxes must be current and the applicant must have less than \$15,000 in their checking/savings.

Mr. Whaley explained that the primary goal of the housing rehab is to preserve the existing housing stock. Simple rehabs are a focus and include new roofs, furnaces, electrical systems, upgrading plumbing, electrical work, etc.

Over the past fifteen years on the Sussex side, Milford has received more than \$520,000 in CDBG funding to aid 37 households. In the current year, the City of Milford received \$70,000. One project is currently under contract and another is in the process. He anticipates four or five housing rehabs before the end of the fiscal year.

There are presently 15 residents on the Sussex side who have requested housing rehab. Applicants are referred through a number of means, including City Management and staff, visiting nurses, etc. However, most people learn of the program through word of mouth.

He discussed how specialists go to the properties and handle the application process, qualify the homeowners, provide cost estimates and specifications for the work. The project is then bid out with bid meetings on the first Friday of every month.

Sussex managed between 180 and 200 housing rehabs this year. With CDBG, there is a maximum amount of \$25,000 that can be spent, based on the condition of the house.

He emphasized that the City of Milford has their contact information, though anyone may call Milford's City Clerk for additional information if needed.

Mr. Paquette stated he is a native of the City of Milford. He reiterated the program is governed by HUD and the Delaware State Housing Authority.

He added that a maximum of \$25,000 can be spent on a housing rehab and \$15,000 on a manufactured home.

Mr. Paquette said they lose a lot of potential homeowners because of those limits. What can be done twenty years ago for \$25,000 cannot be done today. They find a lot of people who have let their houses go to the point there is mold and/or lead paint problems. By the time the homeowner contacts them, the roof can no longer be repaired for \$25,000 because of additional damage that has occurred.

He also referenced the income levels for Kent County which are slightly different from Sussex County.

Councilman Boyle asked if this needs to be part of an ongoing rehabilitation project or can someone be provided funding for just a roof repair, as an example. Mr. Paquette explained that if they are called to a home for a roof problem, and it is determined there is an electrical or plumbing problem that needs to be addressed, HUD requires that electrical or plumbing work also be fixed. Anything that does not meet code or is a safety issue, must be addressed and is included in the work order that must be \$25,000 or below.

Mr. Whaley explained that the funding is protected and a non-bearing, prorated non interest-bearing lien based on the age of the applicant. If a person were to sell a property five years later that had a ten-year lien, the homeowner would be required to pay back half of the funding. That would then be used on another property in the same area. If the new owner qualifies under the income guidelines, it can be transferred.

Mr. Paquette recalled Milford submitting an application last year. They asked four houses be considered; however, they did not qualify and the grant was not issued as a result. In addition to some being over the income guidelines, the repairs were above the \$25,000 threshold.

The Delaware State Housing Authority also denied the infrastructure project for sidewalks, based on the cost per unit. As a result, Milford did not receive funding last year in Kent County.

With no further comments from City Council, Mayor Campbell opened the floor to public comment; no one responded

and the public hearing was closed.

Councilmember Boyle moved to adopt Resolution 2018-20, seconded by Councilmember Peel:

RESOLUTION 2018-20  
Sussex County

Councilmember Boyle submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ \_\_\_\_\_, total CDBG grant request is \$ \_\_\_\_\_. Matching funds in the amount of \$ \_\_\_\_\_ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 26th DAY OF DECEMBER 2018.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Christopher Mergner    Owen Brooks, Jr.  
Arthur Campbell       Douglas Morrow  
Lisa Ingram Peel       James Starling, Sr.  
James Burk             Katrina Wilson (Absent)

\_\_\_\_\_  
Arthur J. Campbell  
Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

Robin A. Griffith  
Clerk of the County Council

Motion carried.

Councilmember Peel moved to adopt Resolution 2018-21, seconded by Councilmember Mergner:

RESOLUTION 2018-21  
Citizen Participation  
Certificate of Assurance  
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 26, 2018 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution, following a Public Hearing, endorsed this application.

Mayor Arthur J. Campbell

Motion carried.

Councilmember Boyle moved to adopt Resolution 2018-22, seconded by Councilmember Mergner:

RESOLUTION 2018-22  
Requirement for Fair Housing  
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 26, 2018.

Mayor Arthur J. Campbell

Motion carried.

Councilmember Peel moved to adopt Resolution 2018-23, seconded by Councilmember Starling:

RESOLUTION 2018-23  
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Arthur J. Campbell, to submit the Fiscal Year 2018 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2019 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on November 26, 2018.

Mayor Arthur J. Campbell

Motion carried.

Councilmember Mergner moved to adopt Resolution 2018-24, seconded by Councilmember Boyle:

RESOLUTION 2018-24  
Requirement for Fair Housing  
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 26, 2018

Mayor Arthur J. Campbell

Motion carried.

*Ordinance 2018-25 Chapter 130-Flood Plain Management*

Planning Director Pierce recalled the Council Workshop recently held in relation to this code amendment. At that time, a DNREC representative, local architect and insurance agent were present to provide input.

At that workshop, the proposed changes were discussed, with an emphasis on the additional freeboard standards.

The proposed revision will require new construction in buildings that are substantially improved, to either have the lowest floor elevation built or dry flood proof to at least eighteen inches above the designated base flood elevation.

The proposal is a result of the adoption of the 2018 Comprehensive Plan that included several objectives and goals relating to creating a more sustainable and resilient community. One of those objectives is to update the floodplain ordinance and consider adopting a freeboard requirement.

Previously, the University of Delaware consultants worked with the State of Delaware staff to develop a complete community planning strategy for towns and counties that included a state policy framework for flood-ready communities. A component is to strengthen codes and ordinances to improve flood readiness. Freeboard can be used to achieve sustainable and resilient communities and prepare buildings and properties for storm events, helping them bounce back quicker by reducing the amount of private property damage.

Mr. Pierce pointed out various areas on the flood maps and related elevations relative to the hundred-year flood event.

He also recalled the list of 46 communities that participate in the National Flood Insurance Program in the State of Delaware discussed during the last review, adding that Milford is one of six communities with no freeboard requirements.

The Planning Commission reviewed the ordinance in October, in addition to the previous discussions during the comprehensive plan sessions with consultants from the University of Delaware and other agencies.

The commissioners recommended approval by unanimous vote.

He also recalled the concerns expressed by Council regarding impacts on historical structure. He pointed to an area in the ordinance that pertains to that item that states 'repair or alteration or rehab of historic structures shall be subject to the requirements of these regulations, unless a determination is made that compliance with these regulations will conclude the structures continued designation as a historic structure'. A variance would then be required.

The Planning Director stressed that regulations are already in place for new construction of building up to the base flood elevation; this adds eighteen inches to new construction for the dry floodproofing component for improved, renovation-type work. There is already a requirement that an insurance company will not recognize the dry floodproofing certificate unless it is floodproofed twelve inches above the base flood elevation. The impact to new construction is the eighteen-inch additional buffer and only a six-inch additional standard for renovations. Benefits are then seen in insurance premiums.

When asked about the substantial improvement or 50% requirements, Mr. Pierce shared that the property owner can have a fair market appraisal done by any Delaware-certified real estate appraiser which can be submitted with the construction estimate for the project. It would then be evaluated to ensure it is compliant with the floodplain regulation.

Mr. Pierce stressed that the regulations are already in place that requires any building to be raised based on the same 50% requirement. The proposed amendment only adds the additional eighteen inches. That language was recommended by FEMA through the State of Delaware with the floodplain requirement updates approximately four years ago.

It was reconfirmed that a variance through the Board of Adjustment could be sought should this requirement jeopardize the status of a historical structure.

Mayor Campbell then opened the floor to public comments. No one responded and the public comment session was closed.

Councilmember Boyle moved to adopt the following ordinance amending Chapter 130, seconded by Councilmember Culotta:

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 Adoption: 11/26/18

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

Motion carried.

*Ordinance 2018-26 Chapter 200-Subdivision of Land*

Mr. Pierce recalled the intent of this amendment was to improve the time lines of the City's land use application process.

He explained the three main components involve administrative approvals, changes to existing plans and the expiration of major subdivisions. Mr. Pierce then reviewed each amendment.

The City Planning Commission reviewed the ordinance at their November meeting, after which they recommended approval upon unanimous vote.

One member of the public, an engineer representing a separate application who was in attendance at the same meeting, spoke in favor of the amendment because of the quicker process and reduction of public hearings for minor applications.

Councilmember Boyle asked if some acreage or square footage should be included in the minor subdivision definition. Mr. Pierce referenced Bayhealth's 168 acre parcel which was subdivided into two parcels of which both meet code. That application could be approved administratively because it meets all code requirements.

Solicitor Rutt pointed out the square footage could also depend on the zoning designation which could change. If tied to specific acreage, that could restrict subdivision approvals in separate categories of zoning. He agrees that number of lots is a better means because the size of the lot is defined in each area of the code.

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

Councilmember Peel moved to adopt the following ordinance, amending Chapter 200, seconded by Councilmember Mergner:

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 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 re-recordation of previously subdivided and recorded major subdivision and minor subdivisions, 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 division 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 rerecordation, 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 rerecordation 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 non compliance. 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 C 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

Motion carried.

There being no further business, Mayor Campbell adjourned the Public Hearing session at 7:48 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 26, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 26, 2018.

PRESIDING: Mayor Arthur Campbell

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

City Manager Eric Norenberg. Police Chief Kenneth Brown and  
Deputy City Clerk/Recorder Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:48 p.m.

INVOCATION AND PLEDGE

The invocation by Councilmember Starling followed the Pledge of Allegiance.

RECOGNITION

*Proclamation 2018-16/Retiring State Senator F. Gary Simpson*

Mayor Campbell read the following proclamation into record:

*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.*

Mayor Campbell then presented the proclamation to Senator Simpson who thanked the City for this honor and made several personal comments, commending City departments and the Milford School District.

He concluded by saying he had big shoes to fill when he was first elected and recognized Former Senator Bob Voshell and Ruth Ann Minner, who later became Governor of Delaware.

#### COMMUNICATION & CORRESPONDENCE

Mayor Campbell thanked Public Works Director Mark Whitfield and his crews for the outstanding job they did with the holiday lights this year. Council concurred.

#### COMMITTEE REPORTS

##### *Community and ED Committee Report/Vinyard Shipyard Initiative*

Chairman Mergner reported that two weeks ago, resident and Task Force Member Dan Bond presented information to the Community and Economic Development Committee regarding a preservation project that involves the Vinyard Shipyard. The purpose of the project is to preserve an important property that played a key role in the history of Milford, the region and the nation.

The task force is in the early stages of developing the Vinyard Shipyard Project. With the assistance of Downtown Milford Incorporated, they have contracted with Architectural Alliance to begin the process of determining possible uses for the shipyard and how its assets can be integrated into the Milford Riverwalk and other nearby properties. The group is currently seeking funding for the study, which will cost \$56,100 and have requested \$10,000 from the City.

Once the funding is secure, they anticipate Architectural Alliance will begin work in early 2019.

Mr. Culotta noted that they are also requesting funding from Kent and Sussex Counties. The more the City of Milford allocates, the more each county will contribute.

Mr. Norenberg stated that if Council agrees, he will prepare a simple agreement, between the City and DMI covering the funding. The City's funding would be contingent upon securing similar funding from Kent and Sussex Counties. He advised of some unappropriated funds in the economic development fund that could be used for this purpose.

The consensus of Council was to add the item to the next agenda with an open-ended amount at this point.

## UNFINISHED BUSINESS

### *Update & Funding Appropriation/City Hall Staff Relocation/Funding Appropriation*

The following memo was submitted by Planning Director Rob Pierce for Council consideration:

*On October 22, 2018, City Council requested staff investigate the possibility of relocating the Planning Department to the Public Works facility as an alternative to leasing a temporary office trailer downtown and determine the costs associated with such move. In order to accommodate the additional five employees, storage and kitchen areas would need to be converted to large file storage for plans, a small conference room would be used for office/reception space, and one Public Works employee would be relocated and another will share an office.*

*The proposed relocation would require an expense to move items that are being temporarily stored at the armory to the Public Works facility. Two of the office spaces in the basement were fitted with desks and overhead storage space that was attached to the cubicle wall system. These cubicles cannot be reused at the Public Works facility and two new workstations would need to be purchased.*

*In addition, IT would need to upgrade the existing network infrastructure to accommodate the five additional users. Below is a breakdown of the necessary expenses associated with the proposed relocation.*

*\$6,300.00 – Network card for Public Works IT room*

*\$2,000.00 – Moving expenses*

*\$3,500.00 – Office Furniture for (2) Employees*

*Total Expenses: \$11,800*

*Relocating the Planning Department to the Public Works facility improves internal and external processes related to land development and building permits. Having these two Departments in close proximity will reduce the amount of time customers spend coordinating utility service for new construction and will also improve coordination efforts for subdivision and site plan review. The Planning and Finance Departments will review the ability for staff to process building permit payments at the Public Works facility to reduce the impact on our customers.*

After discussing the matter further with his department and working out of City Hall for the past three and a half years, he came to the conclusion that the Planning Department and Public Works Departments coordinate efforts on a regular basis for building permits and land use projects. There is a benefit for his department to be with the Electric, Sewer and Water Departments which will reduce the time customers have to spend meeting with the Electric Department when an electric permit is needed, for example.

The main reason they wanted to stay downtown is the close proximity to the Customer Service Department as they handle all permit and licensing financial transactions. His department does take checks though neither cash or cards are accepted at city hall. He is willing to work with the Finance Department to determine what can be done to minimize the impact on customers traveling from Public Works back in town to the Customer Service Department.

Councilmember Mergner likes the idea of the Planning and Code Departments working with the Public Works employees.

Councilmember Culotta confirmed the mobile unit option is no longer being considered. Mr. Pierce said he did not pursue that option following the Council meeting when so many concerns were expressed.

When asked if permitting was at Public Works, Mr. Pierce explained that Customer Service and all City Hall employees were moved there during the renovation of City Hall. Customer Service remained there until the PNC Bank was purchased and renovated. They relocated downtown a few years ago. When that occurred it became a burden on customers and one of the

reasons his staff relocated back to City Hall. He is considering some options and possibly a card swiper could be used though cash transactions would still have to be taken care of at Customer Service, though very few people pay cash for permits.

Councilmember Peel likes the idea and thanks Mr. Pierce for taking into consideration Council's concerns with the temporary mobile unit.

Mr. Pierce reported that there are several employees will have to be doubled up in one office in order to make this move work.

Councilmember Boyle asked if the renovation work planned at Public Works will interfere with this move; Mr. Pierce confirmed that their movement is not within that impacted area and their renovation plans are proceeding.

Mr. Pierce said they need to decommission the large kitchen space to create storage for building and site plans. Currently the area where the plans are stored will become two offices. However, nothing is being added to that scope of work and as much work as possible will be done in house.

Councilmember Peel moved to appropriate \$11,800 from General Fund Reserves to cover the expenses associated with relocating the Planning and Code Departments to the Public Works Facility, seconded by Councilmember Mergner. Motion carried.

Mr. Pierce announced that his goal is to have those departments moved by January 1st.

*Update/City Hall Waterproofing & Restoration Project 2018-FA-001*

Public Works Director Whitfield reported that a bid was issued for the basement restoration project by the City Engineer for the restoration or permanent fix. Three to four companies attended the pre-bid conference.

The bid, involving eight different parts, was very complicated. As a result, no one was an expert in all areas. Instead, it would have required a general contractor to hire eight different subcontractors. It became apparent, based on the questions being asked by the contractors, that the City was spending a lot more money than was needed. In particular, one project manager, with a great deal of expertise in flood remediation on buildings, had several concerns.

They then considered contracting construction manager/project managers in this particular area and found two whom they will be interviewing this week. Handling in this manner would reduce the overall costs of the project, which was originally anticipated to be around \$200,000. Mr. Whitfield agreed it was best to consider other avenues in order to do this judiciously and as inexpensively as possible.

Mr. Whitfield provided a brief background of the problems that have been discovered. For example, when the ramp was added to the rear, there was never an under drain added to the foundation wall that would capture any groundwater that would migrate beneath the ramp.

Another problem is the down spouts are tied into a drain system that goes to the bottom of the inlet in the parking lot. During bad storms when we get three inches or so of rain, the inlet floods and there is no place for the water in the down spouts to go except into the under drains that surround City Hall.

The two drains in the stairwells are sump drains. They drain into the parking lot and are sumped. With a high water table, there is no place for that water to go once it is in the drain system.

There are other problems including moisture in the concrete in the basement floor. They were several recommendations about what type of floor to put in. It has been determined that with that high level of moisture, the floor would not last.

For those reasons and others, it was agreed to hire an expert to help with the project. Further information will follow.

*Land Purchase Authorization/A-1 Glass Company (Summers) Property*

City Manager Norenberg recalled previous discussions that Chief Brown preferred to square off the Growmark property planned for the new police facility, by purchasing the A1 Glass Repair site. The Chief also felt having this parcel would provide additional access because of some grading issues associated with the corners of the Growmark site.

Mr. Norenberg also shared that this would provide more space with the new five officers being added to the force. Currently there are some space constraints and this would provide an accessory building for his staff to use.

He stated that Chief Brown contacted the property owner and an appraisal was done and both parties have agreed on the sales price. Moore and Rutt put together an agreement of sale for the property which needs to be ratified, though the environmental analysis is still underway.

In the meantime, the City building inspector will be evaluating the building to ensure it is safe. Chief Brown can then continue with his plans to use the building as a temporary location for some of his operations.

Councilmember Mergner moved to adopt and ratify the agreement of sale for the A-1/Summers property, seconded by Councilmember Peel. Motion carried.

## EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:21 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 8:26 p.m.

*MPD Teamsters Negotiations*

Mayor Campbell announced that no action was required.

## ADJOURNMENT

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

The Council Meeting adjourned at 8:28 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder