

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 28, 2019

The City Council of the City of Milford met in Workshop Session on Monday, January 28, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:47 p.m.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

City Manager Norenberg recalled that the requirement that any organizations supported financially by the City of Milford, is required to provide a quarterly status report to City Council.

*Quarterly Update/Downtown Milford, Inc.*

DMI Executive Director Murrie Zlotziver thanked Council for allowing him to present the information. He pointed out that the report only covers October-November-December, though he knows there are a lot of events that have occurred in January that are not included in the current report.

Mr. Zlotziver submitted the following report:

The report is divided by the various DMI committees that include Organization, Economic Vitality, Promotion and Design.

- \* At the Annual Membership meeting, new board members were elected- Jason Peel, Denise Morris, Cat Pereffti and Kelly Turner
- \* Bylaws were changed to reflect new fiscal year July thru June
- \* Tremendous group of volunteers support all events and in particular, the Santa House project; Volunteer hours estimated 1,363 valued at an estimated \$34,075
- \* Big Ask campaign providing potential sponsors the opportunity to donate to their favorite activities on a one-time annual basis
- \* Received Kent County Tourism Quaint Village of the Year Award (conjunction with City of Milford and Parks and Recreation)
- \* Received Southern Delaware Tourism Best New Event of 2018 for the inaugural Ladybug Festival
- \* Met with Nationwide Healthcare Facility Manager and look forward to working with them
- \* Continue to update website and Facebook Economic Vitality
- \* New downtown brochure continues to be updated and is being handed out at local businesses
- \* Continue to developing access to information site providing information on available building spaces in conjunction with the City Planning Office
- \* Worked with Kent County Tourism & DE Turf to offer Milford Goody Bag and button/pin that will encourage shopping by DE Turf attendees.
- \* Farmers Market
  - 33 Vendors
  - 3,162 estimated shoppers
  - \$46,243 estimated total sales
- \* Five-Year Anniversary of Irish Rose.
- \* New business brochure completed

- \* Ribbon Cuttings for The Nook, It's About Time
- \* Developed new subcommittee to work on new business recruitment
- \* Mispillion Fitness closed
- \* Participated in Milford Chamber of Commerce Workforce Development Committee
- \* Developed & publicized RFP for the Vinyard, recommended and hired Architectural Alliance to handle study
- \* Continue to hold monthly Entrepreneurial Network meetings including the formation of a Business Improvement District (BID) Promotion
- \* Ladybug Festival Milford new sponsorship packet & recap video; September 21, 2019; budget increased to \$35,000
- \* Biggest turnout for Holiday Stroll (carriage rides returned)
- \* Santa House (1,120 children 1,388 adults 50 elves, 1,300 stockings 600 volunteer hours),
- \* Shop Small Saturday all very successful
- \* Event rack card updated.
- \* King's Ice Cream very success will be returning May-September
- \* City's Birthday celebration will occur every 5 years
- \* Bug & Bud Festival
  - Date changed to May 4, 2019
  - Signed contract for TV commercials
  - ABC Channel 47, 140 (30 seconds) or 280 (15 seconds)
- \* Advertised in Southern Delaware Spring Summer Vacation Planner
- \* St. Patrick's Day Weekend:
  - Concert & Dance Concert March 15, 2019
  - Pub Crawl March 16, 2019
- \* Continue to advertise in the Milford Chronicle and Milford Live Design
- \* Milford in Bloom sponsored winter greenery planting (light pole baskets)
- \* Sail Banner Project banners completed with art supplies now being distributed to businesses and artists with assistance of First State Manufacturing
- \* Smaller banner on Walnut Street which will be sold to local businesses for additional advertising and Design Committee income
- \* Holiday wreath fundraiser in conjunction with Milford High School FFA
- \* Subcommittee establish to review and recommend wayfinding signage and distances to various stores
- \* Completed and presented a voluntary Design Guide for Downtown Milford buildings; worked with a Philadelphia Consultant paid by State grant money
- \* Working with City Planning Department on updating sign code
- \* Building and ground maintenance continue on a regular basis
- \* Shop Early, Shop Late, Shop Small button & materials completed promote Third Thursday Shopping Year round; 17 businesses participating and providing 15% discount to patrons with buttons

Mr. Zlotziver encouraged everyone to visit downtown on Third Thursdays. He said they are adding more activities including music, storytelling, puppeters, etc.

Councilmember Peel commended Mr. Zlotziver for partnering with Milford School District and allowing some of the students to work on the Christmas projects and to sell greenery, as well as participate in the art project. She noted that her children are presently working on their sail banner.

She feels it is very important that younger people get involved and understand their civic responsibility and applauds DMI.

The Director also announced that they now have their second intern, who is now being paid. He predicts they will be hiring a high school intern every year now.

Councilmember Wilson thanked Mr. Zlotziver for the impressive report and recalled that Council had asked that a financial report be provided as well. He apologized adding that was an oversight and he will provide that information during the next report.

*Quarterly Update/Milford Museum*

No report.

*Miscellaneous*

It was noted that these are the only two organizations who have received City funds this year. The Carlisle Fire Company will be reporting once their agreement has been executed.

There being no further business, the Workshop concluded at 7:11 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 28, 2019

A Special Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 28, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

*Call to Order*

The Special Meeting of City Council was called to order at 7:15 p.m.

*Resignation/City Council Fourth Ward Seat*

Mayor Campbell read the following letter into record:

Dear Mayor Campbell,

As of January 15, 2019, please accept my letter of resignation from my position as city council person of the 4th ward effective immediately. I discussed my plans with you on the telephone on January 15, 2019.

I have been on the council for over 20 years and believe it is time to move forward so a younger person can become part of this important mission. It is bitter-sweet that I must resign. It was not an easy decision, but gradual recognition that my time on the council was drawing near. Given my health and age, and discussing this decision with my wife, I believe it is my time to say farewell.

My wife, the Rev. Dr. Jeanel Starling and I appreciate the many times you helped us with the Free Community Christmas dinners on Christmas Day.

I have enjoyed my time as a servant in this important position and service to the City of Milford, my home town of which I am proud. I have enjoyed working with the council members and staff. Over the years, important issues were discussed and resolved.

I will continue to follow you in the newspapers and on TV. I pray God's richest blessings upon the council as you continue to keep the interest of Milford as your primary goal.

James L. Starling Sr.

Mayor Campbell then read from the City of Milford Charter regarding procedures on filling vacancies:

Article IV. City Council Government –

Composition, Qualifications, Vacancies and Procedure  
4.05 - Vacancies, Forfeiture of Office; Filling of Vacancies.

(a) Vacancies.

(1) The Office of the Mayor shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the City and the vacancy is confirmed by City Council.

(2) The Office of a Councilmember shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by law, or ceases to be a lawfully registered voter of the City and a resident of the Ward in which he/she resided at the time of the election and the vacancy is confirmed by City Council.

(b) Forfeiture of Office. The Mayor or a Councilmember shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, or (3) is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. If a vacancy occurs in the City Council and the remainder of the unexpired term is more than 12 months, the vacancy shall be filled by a special election. If a vacancy occurs in the City Council and the remainder of the unexpired term is less than 12 months, the City Council shall within 45 days of the vacancy being confirmed, by a majority vote of all of its remaining members, appoint a qualified person to fill the vacancy until the person elected at the next regular election takes office.

Mayor Campbell stated that as a result, City Council is authorized to appoint a qualified person to fill the remainder of Councilman Starling's term. As for the term beginning in May 2019, the person will be required to file for the full two year whose filing deadline is February 26, 2019, as any other interested candidate is required to do so.

*Confirmation & Appointment/City Council Vacancy*

Confirming the vacancy of the Fourth Ward Council seat, Councilmember Wilson moved to appoint Jason James Sr. to fill the vacancy left by long-term Councilman James Starling, Sr., seconded by Councilmember Peel. Motion carried.

*Swearing In/Fourth Ward Councilmember/The Honorable Noel Eason Primo*

The Honorable Noel Eason Primos of the Superior Court of the State of Delaware was then introduced by Mayor Campbell. Judge Primos then administered the Oath of Office to incoming Councilmember James, who was accompanied by his wife Pamela, who held their family bible during the ceremony.

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

*Adjournment*

There being no further business, Mayor Campbell adjourned the Council Meeting at 7:21 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 28, 2019

Milford City Council held Public Hearings on Monday, January 28, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

Mayor Campbell called the Public Hearing to order at 7:21 p.m.

City Planning Director Rob Pierce was present. Mr. Pierce advised that Councilman James was a member of the City Planning Commission during the review and hearing of the three agenda items this evening and asked if there was a need for him to recuse himself as a result.

Solicitor Rutt confirmed there is no conflict because he is now a member of the City Council and has voting rights as a result of each new public hearing.

*Ordinance 2018-31*

*(Delaware Community Reinvestment Act Council) DCRAC on behalf of the City of Milford*

*Conditional Use*

*3.40+/- acres in an R2 Zoning District*

*604 North Walnut Street, Milford, DE*

*Present Use: Municipal Facility (Armory); Proposed Use: Community Service Building*

*Tax Map MD-16-183.06-02-14.00*

Mr. Pierce reviewed the application adding, the following:

Milford Parks & Recreation Department utilizes the building in the rear as their maintenance office. The area enclosed by a fence on the west side of the property is used for storage and workshops for the park maintenance staff. Outside the fenced in area, there is an existing community garden on the north side of the property along North Walnut Street.

The public notice was advertised in the Milford Beacon on November 28, 2018 and all properties within 200 feet of the subject parcel received a notice of the hearing(s).

The applicant proposes to utilize the former armory building as a Community Service Building, offering programs and services such as housing assistance, foreclosure prevention, pre-purchase counseling, credit and budgeting assistance, tax controversy assistance, workforce development, job skills training, certifications, will and estate planning.

The initial phase over the first twelve months of operation would involve one employee from DCRAC and one employee from GG4L who will occupy the two offices on the upper level of the armory. The lower level would not be used at this time due to its renovation needs.

Occasionally, other members associated with the two groups may schedule appointments to provide specific services for individuals. There may be a need to hold workshops with up to fifteen attendees in the upper

level. Normal hours of operation would be 8:00 am to 5:00 pm. Training, workshops and related sessions may be offered after hours between 6:00 pm and 8:30 pm.

If approved, the applicant must obtain approval from the City Building Inspector, State Fire Marshal's Office and the State Plumbing Office for uses on the upper levels before a Certificate of Occupancy would be issued.

The application packet included zoning maps showing the zonings of adjacent lots which were primarily low residential though there is a church and a community deli along that street. A site plan showed its existing conditions and uses, including the Community Garden located to the north of the building.

A floor plan showing the two office spaces that will be used during the first phase of the armory was also included.

The Planning Commission recommended approval of the application at their December 18, 2018 meeting by unanimous vote. No one from the public spoke for or against the application.

It was confirmed that DCRAC would be the anchor tenant.

Lillian Harrison was present on behalf of DCRAC.

Councilmember Mergner asked if other tenants would have individual agreements or would they fall under the umbrella of DCRAC; Mr. Norenberg explained the intent is to have a master tenant thus preventing the City from being involved with subtenants.

He added that the utilities were separated so that Parks and Recreation would be responsible for their usage, and DCRAC would pay their costs.

Because of the use of the common areas (meeting rooms, hallways and restrooms), the master tenant is able to manage those spaces and handle any related rent as a result.

Mr. Pierce confirmed the City still has the responsibility of reviewing any proposed tenant to ensure the associated use meets the deed restrictions that were added by the State of Delaware for community purposes.

Councilman James asked if there has been confirmation that the services being offered by the tenant are a needed service within the community. Mr. Pierce reported that Ms. Harris' provided information related to the need for the various services and asked her to respond.

Lillian Harrison introduced herself as the DCRAC Housing Director adding that her case load grew over the past year to include more clients in Kent County. They believe the Milford location is an ideal location due to their high case load in Sussex County and growing case load in Kent County.

Councilmember Culotta asked if the City later determines that property is better suited for another purpose, can the lease be terminated and another new home be found for DCRAC. Mr. Norenberg said there are provisions that would allow that opportunity though we need to consider the money they are investing the first year in exchange for very little rent to allow them to repair and upgrade the building. Their intent is to do fundraising to be able to fix up the major deficiencies in the building including the HVAC system, roof issues, etc.

He feels that if they are making a good faith effort to provide the community services while fixing up the building that should be honored and the organization be allowed to continue. There were several entities that looked at the armory and because of the major upgrades that were needed, most walked away.

Mr. Rutt explained a conditional use involves a land use of the actual land. For zoning purpose, the land will be redesignated for the specific use being sought under this application which in this case is a community service building. That use attaches to the property until it is revoked or lapses due to nonuse.

The Solicitor pointed out the application has been written for use of the entire 3.4 acres which would include the Community Garden and the building being utilized by Parks and Recreation. However, as part of the approval, Council can restrict the conditional use to the building and parking spaces, and grant a partial conditional use to a specific area of the property.

Ms. Harrison stated that she had asked that the first year will be geared toward planning and the capital campaign for the facility. They need to raise a lot of money due to the condition of the facility and hope that be considered with regard to the City's future planning for the site.

Ms. Harrison confirmed that they are comfortable with restricting the conditional use to the main building. She said they have discussed working in conjunction with those currently using the building and both feel neither will impede the other's use of the property.

Councilmember James referenced the improvements being addressed by the tenant, and asked if there any provisions in the lease that should the tenant move out, all improvements would become the property of the City. It was confirmed that is built in the base lease because the first year is focused on the startup. Once they have a better dollar idea of the investment, the City will be able to better plan when considering future rent.

Councilmember Wilson pointed out that the programs being offered by DCRAC to Milford residents will provide a more quality life. It is a pyramid type of assistance with things from basic needs to housing opportunities to reviewing and considering different types of loan and mortgages. Though Milford has some low-income housing, this will help many residents move up to the next level and she is very supportive of this group's efforts as a result.

Councilmember Wilson felt it was ironic that Ms. Harrison was here asking to locate to a building that was in a state of disrepair, and was willing to put in a lot of work which will result in providing services for our residents while at the same meeting, the group from Kent County was asking for \$30,000 to help Milford.

She encouraged Council to move this process adding that Ms. Harrison came to the City many months ago and has been put on hold since that time. She is anxious to see them get started so people will see the benefit to this community.

Councilmember Boyle asked if the lease includes the entire property, does DCRAC assume the maintenance responsibility for Parks and Recreation and the Community Garden. If so, that is an unnecessary additional burden on them.

It was confirmed the lease is only for the building and immediate grounds including sidewalks and the parking areas only. The remaining property belongs and is the responsibility of the City Parks and Recreation.

Mayor Campbell then opened the floor for public comment.

Jack Dickerson of 609 and 615 North Walnut Street (adjacent to Milford Armory) asked who will be responsible for the exterior of the building and maintenance of the yards. Mr. Norenberg said the first year, the City will continue to be responsible for the maintenance and will mow the grass, shovel the sidewalk,

etc. Eventually, DCRAC will become responsible for that maintenance though the City will ensure it reflects the character and quality of the programs they are providing inside.

Mr. Dickerson said he understands adding that DCRAC has a lot on their plate with the inside of the building at this point. However, the exterior has also begun to decline and his concern is if they are able to handle the exterior to prevent it from continuing to decay. Ms. Harrison said it was something they talked about in the early discussions and the reason they asked the City to assist with the maintenance the first year. She assured Mr. Dickerson they are in agreement with maintaining the exterior of the building as well and are capable and willing to do so.

Mr. Dickerson said he is glad that someone is going to make use of the building and welcomed her as a neighbor.

Greg Kelly lives at 602 North Walnut, which is next door to the armory. He has heard the roof leaks are still active; Ms. Harrison stated that is correct. From Mr. Kelly's perspective, he is living next door to a decaying building and the State of Delaware decided it was not worth saving, as did Milford School District. It was then passed off to the City of Milford. He asked if anyone has provided a price to fix the building.

Ms. Harrison answered that no one has come up with a specific price though that is one of the reason's they asked the City to understand their need the first year and allow for the capital campaign and planning. They understand it will take phases and have walked the building on numerous occasions and are aware of all the problem areas.

She also reported that DCRAC was donated a building in Wilmington. They have just completed a capital campaign to raise funds to upgrade that old bank and understands what is involved and anticipates the next year to eighteen months will be needed for that purpose.

Ms. Harrison confirmed they raised over \$500,000 for the Wilmington facility and is very confident they will raise that amount for this building.

The City Manager said the City is trying to keep the roof band aided until the capital campaign comes through. Based on the approvals this evening, he plans to coordinate with Ms. Harrison in an attempt to prevent raising additional funds beyond what is currently needed.

A conversation then followed regarding various parking scenarios.

Planning Director Pierce referenced an aerial showing the existing layout which includes nine parking spaces on each side of the building. In the initial phase, he does not see that as a problem with the parking because there will be very few people using the building. Once they expand into the basement, the parking lots would need to be improved though that is something that can be discussed with the other tenant(s).

Mr. Kelly said phase one does not sound like a problem but asked what will happen during phase two. Ms. Harrison pointed out that based on the deed restrictions, any additional tenant would have to be a community service type organization/non-profit. She reiterated that the City has the option to review the applicant list prior to or during the lease. They are proposing partner organizations such as Housing Alliance Delaware. Most of their partners provide direct community-based services. None would be a detriment to the community because of the deed restriction and also because of their plan.

Mr. Kelly thanked Ms. Harrison and Council.

Jack Dickerson then asked what type of signage would be permitted; Ms. Harrison said they will be discussing that with the City to determine what is allowed. Most of the services she feels can be communicated because these are the organizations that currently exist. It will involve minimal signage and perhaps something on the front of the building indicating it is the Community Services Building. Extensive signage will not be considered.

Mr. Dickerson said he has had to maintain signage restrictions on his building through a conditional use and feels it is wise to do that considering the residential area. He would not want that to get out of hand if later every unit were to be advertised.

Valerie Newsome stated she was present because of the earlier swearing in ceremony. She does not live in Milford but went to school here and has worked at Milford High School for many years. She believes this is a phenomenal opportunity for Milford and is very supportive. She then offered her help to Ms. Harrison.

Ms. Harrison concluded by stating they take very seriously the needs of the City and the communities that surround it. During their recent meetings with the City, they recognized the Haitian population and their needs. They have reached out and brought on a partnership with a person who is bilingual that can help communicate and provide services for that demographic.

Since they began this process, they have learned of the homeless population in this area and the lack of employment opportunities. Their partner, ECDC has provided day jobs in the hopes of moving them into transitional and then permanent housing. Housing Alliance Delaware also assists in those endeavors.

There being no further comments, Mayor Campbell closed the public comment session related to this application.

As amended, Councilmember Wilson moved to adopt Ordinance 2018-31, approving the conditional use for DCRAC to allow a community service building at the municipal/main building and parking and sidewalks areas at the Milford Armory, contingent upon the execution of the lease, seconded by Councilmember James.

Motion carried by the following unanimous roll call vote:

Mergner-votes to approve because it will be an asset to the community and a good use of the space.

Boyle-votes yes in accordance with the conditions of the Chapter 230(9) and it will provide needed services to the residents of Milford.

Peel-votes yes to approve and feels it is a much better use than a vacant building and agrees the services are needed.

Culotta-votes yes because the services are needed and the improvements to the building will be a benefit to the City of Milford.

Brooks-votes yes adding that he and Ms. Harrison had a long discussion over the phone during which time she answered all his questions.

Morrow-votes yes based on the Planning Commissions' recommendation and agrees it is a needed service for the community and is happy to see someone occupy the building.

James-votes yes stating the services are needed and he believes the City of Milford will benefit from the renovations planned for the building.

Wilson-votes yes based on the Planning Commission's recommendation as well as the many needs of our residents.

*Ordinance 2019-03*

*Liborio Watergate LLC known as "Watergate"*

*Amended/Final Major Subdivision of 47.39 +/- Acres*

*East side of Marshall Street north of the Elks Lodge Road Intersection, Milford, Delaware  
300-unit Community (43 Single Family Units, 48 Duplex Units, 129 Townhouse Units, 80 Apartment Units)  
Tax Map 3-30-11.09-029.00; -029.03; -30.00 through -032.00;  
3-30-11.09-101.00 through -304.00*

Planning Director Pierce provided a brief synopsis of the application and the approved 303-unit subdivision.

The applicant received revised Preliminary Major Subdivision and an amended Planned Unit Development/Conditional Use approval from City Council on April 23, 2018.

The applicant proposes to reconfigure the existing Watergate subdivision by reducing the number of residential units from 303 to 300. This will be accomplished by modifying the unit types in various locations throughout the subdivision. The result will be a Planned Unit Development with 129 townhouses, 48 single-family semi-detached units and 33 single-family detached units. Ten single-family units and 80 multifamily apartment units remain.

Agency approvals have been obtained. A contingent approval letter received from the City Engineer addressed some minor items though Mr. Pierce believes they were taken care of on the revised plan.

A condition of the approval related to some legal issues with an adjoining property and have also been resolved.

The public notice was advertised in the Milford Beacon on December 19, 2018 and all properties within 200 feet of the subject parcel received a notice of the hearing.

The Planning Commission recommended approval of the amended final major subdivision at their January 22, 2019 meeting by unanimous vote. No one from the public spoke for or against the application.

Mr. Pierce stated the minutes are unavailable but the attorney that represents the adjacent property was present and spoke in favor of the project noting that the terms of the legal issues have been addressed and will be confirmed on the cover sheet prior to the City signing off on the plan.

The packet includes the revised record plan and other related documents for review.

When asked the timeline for completion, Mr. Pierce explained the changes were mainly in the front and the plan will need to be reconfigured with new road layouts and multi-family parking areas that already exists. The developer held off with additional phases until this approval was granted.

Approximately eighty townhouses are complete on the first two streets. Permits have not been pulled on the duplexes due to the lot line reconfigurations.

Mt. Pierce recalled the sewer work that was done in the subdivision which required some townhouses be relocated. That cleaned up the plan and squared off some property lines, created some additional open space, widened some streets and eliminated one-way streets and replaced them with two-way streets. Additional apartments were gained as a result.

Scott Lobdell of Van Cleef Engineering spoke on behalf of the applicant, adding that the City Planner reviewed the history of the subdivision. They took advantage of fixing some questionable layouts on the original plan, including overlapping lot lines and unnecessary alleyways.

The biggest change involved the houses that butt up to the adjacent subdivision. The units were kept the same though the original plan included an alley that extended along the property line and looped to the rear. That was removed which eliminated some impervious areas and relieved some of the traffic between the two subdivisions.

The other change was to the front of the subdivision that involved a layout with some commercial buildings with apartments in the top. The commercial component was removed leaving just a residential use.

Mr. Lobdell reported the developer is ready to move forward with additional phases once the approvals are in place. They did not want to move forward with the lots until the new configuration was approved.

He anticipates pulling permits very quickly once this process is complete.

Mayor Campbell then opened the floor to public comment.

Jennifer Contravo of 207 South Walnut Street recalled a previous meeting involving another amended subdivision at which time she asked the same question of whether there are designated units for disabled persons.

Mr. Lobdell explained the townhouses may be a little difficult for that though it could be accomplished on an as-need basis. The apartments are typically built with the ramps and other items necessary to handle those situations. In addition, handicapped parking is provided throughout the subdivision.

Any requirements of the building code will be complied with. Any extenuating circumstances needed on a certain building type for someone who is purchasing a unit, would also be provided.

When asked if there are handicapped accessible units already designated, Mr. Lobdell said he is unaware of any though the builder is very willing to accommodate those needs.

There being no further responses, Mayor Campbell closed the floor to further comment.

Councilmember Boyle moved to adopt Ordinance 2019-03, approving the amended Final Major Subdivision for the Watergate project as presented, seconded by Councilmember Wilson. Motion carried by the following unanimous roll call vote:

Mergner-votes to approve based on the recommendation of the Planning Commission.

Boyle-votes yes as it conforms with City Code and the City's Comprehensive Plan.

Peel-votes to approve based on the Councilmember Boyle's comments and the Planning Commission's recommendation.

Culotta-votes yes because he likes the idea of that area beginning to develop by adding more housing.

Brooks-votes yes based on the Planning Commission's recommendation.

Morrow-votes yes as recommended by the Planning Commission and because the City needs more affordable housing.

James-votes yes because the City needs more housing and provides more taxable revenues and based on the Planning Commission's recommendation.

Wilson-votes yes based on the Planning Commission's recommendation and because Milford needs more housing and because Council will be very happy when this project is complete considering the time it has been on the books.

*Conditional Use**3.5 +/- acres of land in a C3 Zoning District**Intersection West side of South Dupont Boulevard, Northwest of Shawnee Road**562 & 566 South DuPont Boulevard**Present Use: Convenience Store with Gas Pumps; Proposed Use: Same**Tax Map & Parcel 1-30-3.11-003.00 & 004.00*

Mr. Pierce reviewed the plan reporting this is a redevelopment of the existing Royal Farms on US Route 113. He explained the conditional use is associated with the preliminary site plan.

The applicant proposes to demolish the existing Royal Farms gas station and convenience store and redevelop the site with a new 5,293 square foot store with gas pumps.

Chapter 230-14(C)(14) states convenience stores with gas pumps are a conditional use subject to special requirements set forth by City Council. Because this is a complete redevelopment, the conditional use review is necessary to ensure there is no adverse impacts to the area.

The packet includes a copy of the zoning map. Mr. Pierce explained the project will be onto the vacant lot and the two parcels consolidated. This consolidation will allow the applicant to move the Route 113 entrance further north than the existing entrance and expand the site's parking capacity.

The site plan was included in the packet. Though the plan does not show sidewalks along the right-of-way which is a requirement of Chapter 197-3(A). The applicant has agreed to add the sidewalk or a shared-use path, contingent upon DelDOT approving their location. That will be shown on the final site plan presented to the Planning Commission (only).

All agency approvals will be required before final sign off by the City and any additional comments will be addressed in relation to utilities and zoning.

The packet includes an evaluation of the proposal based on conditional uses.

The public notice was advertised in the Milford Beacon on December 26, 2018 and all properties within 200 feet of the subject parcel received a notice of the hearing(s).

The Planning Commission reviewed and recommended approval of the Conditional Use at their January 22, 2019, at which time Preliminary Site Plan approval was also granted, contingent upon this approval of this application tonight.

The City received written correspondence from legal counsel representing a neighboring property owner Jerry Kovach asking the record to reflect his request to partner with Royal Farms on any access off the highway. Mr. Kovach has a residentially zoned property to the west of Royal Farms that gains access through a small sliver of land, approximately fifty feet wide.

As a result, the applicant and Mr. Kovach are working together to come up with a solution for a possible shared entrance. The location of the entrance will be at the discretion of DelDOT as part of their evaluation.

Mike Riemann of Becker Morgan Group of 309 South Governors Avenue, Dover, was present on behalf of applicant Two Farms Incorporated, n/a Royal Farms, presented graphics not included in Council packet. He referenced the existing store with full access onto Route 113 and Shawnee Road. The existing store is an older 3,200 square feet, with five fuel pumps that is need of a makeover.

The entire facility will be demolished and the fuel pumps and tanks removed, the site scraped and rebuilt from scratch.

The same process was done in Seaford next to City Hall and the new store will be the same prototype.

He reported that the new facility will be the same configuration, with seven fuel pumps, 5,300 square feet and approximately 75 parking spaces. The current site contains approximately 30 spaces.

The access will remain the same on Shawnee Road and additional stormwater management will be added due to the increase impervious surfaces.

Mr. Riemann said that Mr. Kovach spoke in favor of the project, but asked to discuss sharing an access or a possible easement.

They were informed of the request a couple days prior to the Planning Commission hearing, though they agreed to discuss the possibility and are planning to meet with Mr. Kovach in early February. He cannot make any promises as to how or where the entrance will be configured due to DelDOT providing final authorization.

Mr. Riemann referenced the existing entrance on the new graphic stating it will be pulled back from the entrance today. It was initially pulled back further but because of a major power line, it had to be moved forward.

Mr. Riemann further reviewed the site plan, previously approved by the Planning Commission.

He advised that work will continue as they proceed with agency approvals.

He reported there are currently 20-25 employees which should increase to approximately 40 with the expansion.

Councilman Mergner pointed out the new Royal Farm stores have self-check registers and asked how the number of employees would increase as a result; Mr. Riemann explained that is the result of the larger store, bigger deli, bigger bakery, food prep, etc.

Councilman Mergner referenced the current exit onto Shawnee Road and the issues associated with vehicles attempting to go left, then make a hard right and asked if that had been considered; Mr. Riemann said that was discussed with DelDOT though no revisions are proposed at this point. However, they have not been through the full engineering process. Councilman Mergner recommends moving it further away from the intersection.

A long discussion followed.

Mr. Riemann said that DelDOT reviewed accident statistics at the site but expressed no concerns as a result.

After confirming a crosswalk was not included in the plan, Councilman Mergner recommends that be considered.

Mr. Pierce then added the landscaping along the Shawnee Road access will remain and may be extended to alleviate any trash issues to residential properties.

It was confirmed the same signage will be used. Additional lighting will be added with little or no impact on neighboring properties.

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

Councilmember Wilson moved to adopt Ordinance 2019-04, approving a conditional use for Two Farms Incorporated, seconded by Councilmember Morrow. Motion carried by the following unanimous roll call vote:

Mergner-votes to approve based on the recommendation of the Planning Commission.

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

Peel-votes to approve for the same reasons.

Culotta-votes yes because it is important for a business to improve itself and its services to compete with other similar businesses. He thinks the increase of jobs is a benefit as well.

Brooks-votes yes based on the Planning Commission's recommendation.

Morrow-votes yes as was recommended by the Planning Commission.

James-votes yes because it is an enhancement to an already existing facility and because of the additional jobs this brings to the City of Milford and based on the Planning Commission's recommendation.

Wilson-votes yes based on the Planning Commission's recommendation.

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

The Council Meeting adjourned at 8:25 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
January 28, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 28, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 8:30 p.m.

INVOCATION AND PLEDGE

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

COMMUNICATION & CORRESPONDENCE

Mayor Campbell announced that he has been appointed to Delaware League of Local Government's Executive Board.

COMMITTEE & WARD REPORTS

Nothing to report.

UNFINISHED BUSINESS

*Approval/DCRAC/Armory Lease Agreement*

Councilmember Peel moved to approve the lease with DCRAC as discussed previously, seconded by Councilmember Wilson:

THIS LEASE AGREEMENT IS MADE this 28<sup>th</sup> day of January 2019 by  
and between THE CITY OF MILFORD, a political subdivision organized and existing under  
the laws of the State of Delaware, with an address of 201 South Walnut Street, Milford,  
Delaware 19963 (hereinafter called "Landlord"),

-AND

DELAWARE COMMUNITY REINVESTMENT ACTION COUNCIL, INC., a non-profit  
corporation organized and existing under the laws of the State of Delaware, with an address  
of 600 S Harrison St, Wilmington, DE 19805 (hereinafter called "Tenant").

WHEREAS, City of Milford owns the building formerly known as the Milford Armory and has committed to the State of Delaware that the building will be used to benefit the residents of Milford and the surrounding area; and

WHEREAS, the Delaware Community Reinvestment Action Council, Inc. (DCRAC) provides budgeting, saving and credit training/counseling, home ownership education, and foreclosure prevention assistance that will benefit the residents of Milford; and

WHEREAS, the former Milford Armory building will more than meet the needs of the DCRAC for its programs and services and DCRAC has committed develop relationships that will bring other non-profit agencies and services, eventually fully utilizing the facility, that will also benefit the residents of Milford; and

WHEREAS, CITY has determined that bringing these services to the community and the repairs, upkeep, payment of utilities and maintenance of the main building occupied by DCRAC offset the need to charge rent during the term of this agreement;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

WITNESSETH:

That the parties of this Lease, intending to be legally bound, hereby covenant and agree as follows:

- (1) PREMISES: In order to further the purpose of Tenant, Landlord leases to Tenant and Tenant accepts, as Tenant, the premises described as follows (hereinafter referred to as "the Leased Premises")  
The non-exclusive use of the premises known as 604 North Walnut Street,  
Milford, Delaware 19963, also known formerly as the Milford Armory.

See Council packet for full version.

Motion carried with no one opposed.

*Funding Appropriation/Growmark Property Purchase/New Police Facility*

*Funding Appropriation/Summers Property Purchase (A-1 Auto Glass)/New Police Facility*

NEW BUSINESS

*Contract Approval/Funding Appropriation/Design, Engineering & Architectural Services  
/New Police Facility*

City Manager Norenberg reported that the following information relates to the above three agenda items. He then asked Chief Brown to comment on some of the deficiencies of the current police station and site.

Chief Brown shared the following:

The current police department was built in 1979 for 12 officers and 5 civilian personnel. Today Milford has 37 officers, 14 civilians, 6 auxiliary patrol and 1 chaplain who use the same facility.

Safety concerns, space constrictions and legal compliance and environmental issues are a few concerns.

Safety concerns are the biggest issue which is the result of being so open to the public. There is no good way to secure the building. The public has 360-degree access and often people end up behind the police facility. This summer they were playing Pokemon Go and were actually walking up to the back door of the police station.

The police are parking in a parking lot from which they walk prisoners into the building. Visitors park within 40 feet of where the prisoners are coming and going. This is not safe for the officers and it is not safe for the prisoners. If a prisoner takes off running, it will most likely occur when they are going from the vehicle into the building. They are in handcuffs and will either go to the river or across the road which is a state route and major route thru Milford.

The prisoners do not look to see if anything is coming when they are running from the police. That is a huge liability for the city. After they are put in handcuffs, they become the police officers' responsibility even when they initiate a situation as described.

The building is built in a 100-year floodplain and since 1979, flooding threatens the building every time there is a major storm and especially a nor'easter or hurricane. Anything east of Walnut Street floods and they have seen two to three feet of water come up to the back of the police building. That then runs down inside the building because it has no other place to go.

The building was built on the old wastewater treatment facility. Sewer gases often come up through the basement drains and they have no way of knowing the long-term health effects. They are always trying to mitigate that in various way, and sometimes it does help, though it is something that must be dealt with on a regular basis.

The building was built between the river, wetlands to the east, State Route 14 and the Kent County wastewater pumping station to the west. It is landlocked which has been a problem for the past twenty or so years.

The building was built for 12 officers and there is simply not enough room for 37 officers. They have revamped every office space to try and utilize it the best possible way. Most offices were designed for one person have two to three people using them.

The downstairs radio room that houses the equipment for the radios, phone system and electrical system, is stacked with boxes like those that are in the council chambers.

The locker room has been redesigned several times over the years to accommodate more officers. It is crammed so full that right now, they are having to utilize part of the weight room. That is one of the reasons Chief was willing to purchase the A1 Auto building.

People in the lobby cannot be separated. Officers are having to take someone's complaint in one area and it is often in front of someone who is there for an unrelated matter.

Often there are fights in the lobby because opposing parties cannot be separated and there is only one interview room that can be used by the officers.

The meeting/class room is downstairs and has no handicapped access. Civic groups used to utilize that room but that was stopped because people do not have proper access.

Community education can no longer be offered nor can the Citizens Police Academy because it is difficult for people to get in and out and it does not meet the legal requirements for accessibility.

Chief Brown continued by providing the following facts:

The building was built in 1979; in 1980, Milford's population was 5,366 and the city was 3.2 square miles. In 2016, Milford's population was 11,000 and 10 square miles so it more than tripled in size.

In 2019, Chief Brown estimates Milford's population to be over 12,000. The overall square miles continue to grow as well.

They have needed a new facility for several years and Chief Hudson started the process prior to 2009. In 2011, there was a needs assessment done and architectural drawings created as a result. Because of the lack of funding, he was unable to proceed.

Since City Manager Norenberg and Chief Brown got hired, they rekindled the idea and three quick years have passed with nothing being done other than more discussions.

He concluded by stating it is badly needed.

City Manager Norenberg agreed with Chief Brown that planning has been underway for several years. Mayor Campbell and he had a lunch meeting at the Greater Kent Committee/Economic Update. One of the speakers spoke about the

success of Milford which was the result of a lot of preparation and attributed the rise of the Bayhealth Hospital to the southeast area planning. Other communities in Kent County have not taken advantage of the recession and the downtime to do this planning and are behind today because of it.

During that 2009-2011 time frame, there was a lot of planning done for this new department. Grant applications were considered and Chief Hudson and several Councilmembers went to Washington DC and met with federal legislators in an attempt to get federal aid.

Last summer Chief Brown and the City Manager talked to the staff of our US Senators who set up a meeting with the USDA. USDA only offered loan rates and Finance Director Jeff Portmann has other ways to better finance the facility.

The USDA did encourage the City to apply for a grant which ICMA Fellow Evan Miller applied for on behalf of Chief Brown. The intent was to fund the initial phase of the planning and design. However, that grant was denied even though Mr. Miller will continue to look for ways to fund the building and bring much needed cash into the project.

There are many related obligations that have been in place for years, including the purchase of the Growmark property. The purchase agreement was finally executed in 2017 and the City is ready to move forward with the actual purchase.

In recent months, Chief Brown looked into the possibility of purchasing the A1 Auto Glass property. Underground soil testing results just came back with no concerns, so the City is now clear to proceed with that acquisition as well. Environment evaluations were done on the Growmark property over the past couple years and that property has also been cleared.

The last related item is the design contract with Becker Morgan Group. He recalled the presentation at the November Council meeting which included a description of the plan in which police officers, public and business community will provide input as far as the site design of the police station and other potential elements of the site in relation to the surrounding area.

Some edits have been made to the agreement and the final version, included in the packet, was agreed to by Becker Morgan.

If the engineering/architectural contract and land purchase agreements are authorized, Mr. Norenberg shared that Becker Morgan Group will begin work in mid-February. Surveying the two parcels, preparing base plans, meeting with departments and compiling a space needs evaluation will take three to four weeks.

By mid-March/early-April, Becker Morgan Group will begin space planning exercises with staff for the layout of the facility as well as the site itself. A concept site/building plan will be developed to depict the general layout of the site. Additionally, Richard Y. Johnson and Son will prepare a cost estimate based on the concept building and site plan. This cost estimate will be used for discussion purposes only.

In May, they will begin to develop a schematic site plan that will allow a more detailed cost estimate to be developed which will be provided to the public.

By August, Becker Morgan Group will complete the final two tasks, which include presentations of the preliminary schematic building and site plans using 3-dimensional renderings of the building and site concept.

Four public presentations showing the project are planned.

Becker Morgan Group will also provide concept land planning services to create a plan for the residual land not being used by the Milford Police Station.

As a result, preliminary funding is needed as itemized below:

## Land Purchases

401 Northeast Front Street – Total: \$875,000  
- \$50,000 (deposit)  
Due: \$825,000

409 Northeast Front Street – Total: \$195,000  
- \$2,000 (deposit)  
Due: \$193,000

## Architectural / Engineering Services

Becker Morgan Group Due: \$149,000

TOTAL: \$1,167,000

It was confirmed that Mr. Norenberg received an email stating the ground tests were negative at the A1 site. The ground penetrating radar initially identified some metal underground. After it was dug up, it was determined to be some buried metal and nothing to be concerned with.

Councilman Brooks asked the latest status of city hall and in particular the estimate to make the needed upgrades.

City Manager Norenberg explained the consultant is currently evaluating the work needed to make the basement safe and waterproof. About the time the preliminary work will be done on the new police facility, Council may want to consider an option to move the city's IT equipment into the new police facility in order to get it out of the basement.

Mayor Campbell expressed concern that only six people are working out of this building, including him. To spend a large amount of money to properly repair the building does not warrant those few employees. Before any other option can be considered, the Ruby Vale agreement made back in the late 1950's will need to be reviewed to determine any use restrictions. In the meantime, his concern is the basement will flood again after an astronomical amount is spent.

It was suggested making the Front Street property a city complex to include the new police station and a city hall. That seems to be more cost effective than spending another half million dollars to fix up the present city hall not knowing what will occur in the future as far as flooding.

Councilmember Wilson moved to appropriate \$825,000, as outlined in the memo, to complete the purchase of the Growmark property at 401 Northeast Front Street, seconded by Councilmember Culotta. Motion carried.

Councilmember Culotta moved to appropriate \$193,000, as outlined in the memo, to complete the purchase of the A1/Summers property at 409 Northeast Front Street, seconded by Councilmember Wilson. Motion carried.

Councilmember Peel moved to authorize \$149,000 for the Becker Morgan Group Agreement, as recommended, seconded by Councilmember James. Motion carried.

Councilmember Morrow moved to ratify the Becker Morgan Group agreement, seconded by Councilmember Culotta. Motion carried.

*Introduction/Ordinance 2019-06/Chapter 55/Random Drug Testing Addition*

City Manager Norenberg introduced Ordinance 2019-06, explaining this will add to the personnel ordinance approved in April 2018 random drug testing, pre-employment testing, reasonable suspicion testing and post-accident testing.

It is scheduled for review and adoption at the February 11, 2019 agenda.

*Introduction/Ordinance 2019-07/Chapter 19/Economic Development & Redevelopment Amendment*

Mayor Campbell introduced Ordinance 2019-07. Planning Director Pierce explained this is an amendment to Chapter 19 in relation to the Downtown Development District local incentives to align with the State of Delaware program minimum threshold.

The ordinance is scheduled for review and adoption at the February 11, 2019 agenda.

EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. §10004(b)(4) Collective Bargaining Matters*  
*Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter*

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:07 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 9:25 p.m.

*Police Teamsters Negotiations*  
*City Manager Performance Evaluation*  
*Police Chief Performance Evaluation*

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

ADJOURNMENT

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

The Council Meeting adjourned at 9:27 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder