

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
February 11, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 11, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Mike Boyle, Todd Culotta, Owen Brooks Jr.,  
Douglas Morrow and Jason James

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner, Lisa Peel and Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:03 p.m.

Public Works Director Mark Whitfield, City Accountant Suzannah Frederick and Planning Director Rob Pierce were also present.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the January 14, 2019 and January 28, 2019 Committee and Council Meetings. Motion to approve made by Councilmember Brooks, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

*Proclamation 2019-03/Recognizing Former Councilman James O. Starling, Sr.*

Former Councilman Starling and wife Dr. Jeanel Starling were in attendance.

Mayor Campbell read the following proclamation into record:

*TO RECOGNIZE AND HONOR COUNCILMAN JAMES O. STARLING SR. UPON THE OCCASION OF HIS  
RETIREMENT AFTER TWENTY YEARS OF EXEMPLARY SERVICE TO THE CITY OF MILFORD  
AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS*

*WHEREAS, James O. Starling Sr., a loyal Husband, Father, Grandfather and Councilman to the City of Milford, Delaware, submitted a letter announcing his retirement effective January 15, 2019; and*

*WHEREAS, it is altogether fitting and proper that the members of the Milford City Council pause in their deliberations to express their gratitude to Councilman James O. Starling Sr. for his significant contributions to the people of Milford, Delaware over the past twenty years; and*

*WHEREAS, always serving admirably with energy, kindness and genuine enthusiasm, Councilman Starling has become a staple in the City of Milford having held the Office of Council for ten consecutive terms as the third longest serving in the Fourth Ward; and*

*WHEREAS, City residents are grateful to Councilman Starling for his unsurpassed service to this community during a time they counted on his wisdom and guidance to ensure Milford's successful growth for years to come; and*

*WHEREAS, through his support of City's endeavors, and particularly his continued interest in maintaining the beauty and charm of its neighborhoods, Councilman Starling has worked hard to build a stronger, healthier and safer community; and*

*WHEREAS, always going the extra mile, Councilman Starling has served the greater Milford Community through his diligent work on various boards, committees and nonprofits that include children services, public works, community affairs, schools, parks, recreation, and churches, in addition to many other positions which have had a positive impact on this City; and*

*WHEREAS, Councilman Starling remains a prominent influence and source of great wisdom for the entire community; and*

*WHEREAS, the Mayor and Members of the City Council are grateful for the years of unparalleled dedication that Councilman Starling has devoted and wish him many years of enjoyment in his well-earned retirement.*

*Now, Therefore, I, Arthur J. Campbell, by the power vested in me as Mayor of Milford, do hereby recognize and honor Councilman James O. Starling Sr. for his years of commitment, both personally and professionally, by presenting him with a key to the City, and urge our citizens to acknowledge his tireless efforts in the betterment of this City.*

The Mayor expressed his appreciation to Mr. Starling and presented him and Dr. Starling with the official proclamation, along with a key to the City.

*Proclamation 2019-04/Black History Month*

Mayor Campbell read the following proclamation declaring February as Black History Month, into record:

*Black History Month-February 2019*

*WHEREAS, in 1915, Dr. Carter G. Woodson—historian, teacher, and author—founded the Association for the Study of African American Life and History (ASALH); and*

*WHEREAS, in February 1926, Woodson proposed the establishment of Negro History Week and chose the second week of February because it commemorates the birthdays of two men who greatly affected the African American community: Abraham Lincoln and Frederick Douglass; and*

*WHEREAS, in February 1976, the week-long observance was expanded to a month in honor of the nation's bicentennial; and*

*WHEREAS, Black History Month continues to be sponsored by its founding organization, who also designates its annual theme; and*

*WHEREAS, the 2019 theme is Black Migrations, which emphasizes the movement of people of African descent to new destinations and subsequently to new social realities and focuses on the twentieth century through today, that has resulted in a more diverse urban population that changed much of what was known, such as the rise of the Garvey movement, the emergence of black industrial workers and black entrepreneurs, the growing number and variety of urban churches and new religions, new music, and the blossoming of visual and literary arts; and*

*WHEREAS, the African American community has endured decades of struggle to be recognized as equal among our fellow citizens; and*

*WHEREAS, the African American community has persevered in order to stand up for the basic rights we are all entitled to—life, liberty and the pursuit of happiness; and*

*WHEREAS, during February our nation takes pause to reflect on the injustices and struggles hardly fought and overcome by African Americans throughout our nation's history and to pay tribute to the battles they fought in the name of equality.*

*NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, on behalf of Milford City Council, proclaim the month of February 2019 as BLACK HISTORY MONTH and urge all citizens of Milford to participate in the appropriate programs and activities of our schools, churches, museums, libraries and other organizations that recognize and honor the significant achievements Americans of African heritage have made to the City of Milford, the State of Delaware, to the Nation and throughout the World.*

Councilman Boyle then read into record 'Absalom Jones: A Son of Milford' who grew to become one of the most foremost African American leaders during the post-Revolutionary War period and one of the earliest civil rights advocates in American history.

Upon its conclusion, Councilman Boyle asked Council to support a request for the Milford Museum to further research the accomplishments of this gentleman and give him due recognition.

#### MONTHLY POLICE REPORT

Police Chief Kenneth Brown presented the monthly Police Report, stating that arrest and other numbers fell within normal limits.

Councilman Morrow moved to accept the report, seconded by Councilman Brooks. Motion carried.

#### MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced the report included in the packet. He reported that the 2019 KSI calendar features one of the Parks and Recreation employees.

Parks and Recreation Director Brad Dennehy was in attendance and added that through a partnership with KSI, Client Doug Humes came on board in September. He worked the majority of their season partial days, and quickly became an essential member of their team. Mr. Dennehy looks forward to working with him in the future and encouraged Council to read the associated information on KSI's calendar page.

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

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the sixth month of Fiscal Year 2018-2019 with 50% of the year having passed, 53% of revenues have been received and 45% of the operating budget expended.

He reported that the Planning and Zoning Department fees continue to increase, with some more than double of what was budgeted. In addition, police fines actually increased this month.

Councilmember Boyle moved to accept the December 2018 Finance Report, seconded by Councilmember James. Motion carried.

## COMMITTEE &amp; WARD REPORTS

None to report.

## COMMUNICATION &amp; CORRESPONDENCE

None to report.

## UNFINISHED BUSINESS

*Adoption/Ordinance 2019-06/Chapter 55/Personnel Code/Random Drug Testing Addition* ®

HR Manager Jamesha Eaddy was in attendance.

City Manager Norenberg recalled that last year, City Council adopted an amendment that completely overhauled the personnel manual. Prior to that, very few changes had been made since the early 1990's. Some policies were kept though a number were updated and modernized.

Several additional policies were to be added, including a new section to address drug testing to ensure a safe workplace for our employees and the public.

Mr. Norenberg noted that ICMA Fellow Evan Miller and HR Director Eaddy have worked on the document, which has also been reviewed by individual department heads.

HR Manager Eaddy then reported that the alcohol and drug free workplace policy has been expanded to include specific guidelines regarding the City's pre-employment drug testing, random drug testing of safety sensitive employees working in the Police, Public Works and Parks and Recreation Departments, reasonable suspicion testing and post-accident testing.

The policy sets forth testing procedures in accordance with the Department of Transportation standards and clarifies who is responsible for payment of tests. It is also consistent with the policies of Newark, Georgetown and Del Tech. It has also been reviewed by legal counsel.

She then asked that the public notice be changed, specifically Section 12.5.A.2, to read as follows:

Being under the influence of alcohol or illegal drugs at any point  
to  
Being under the influence of alcohol or illegal drugs while on duty.

Mayor Campbell asked what type of testing will be performed; Ms. Eaddy said the City requires a urine analysis which The Lab at Seascape performs.

Councilmember Brooks said when he worked at DuPont, anyone suspicion of drug use was sent to the medical section where a sample was taken. He also commented that the Delaware State Police K9 units would show up periodically and walk around the vehicles in DuPont's parking lot.

She explained that pre-employment would be done at hire; random testing would be done by the Lab at Seascape. Seascape will have a pool of employees and they will select the employee randomly.

In terms of reasonable suspicion, there is criteria and it cannot be based on a hunch, for example. It must involve physical behavior and psychological signs; two trained supervisors will need to witness the behavior and note the observations.

It was confirmed the original Section 12.5 is being deleted.

Councilman Morrow asked if the only difference is the addition of the random testing, because all other testing appears to be in place. Ms. Eaddy agreed it is being fine-tuned to ensure a consistent policy that is outlined and provides details so that when we sent employees for testing the policy can be referenced.

Councilman Morrow stated that under Section 12.5.C, the second paragraph does not mention alcohol and recommended it be added.

Councilman Culotta questioned:

...use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take a leave of absence...

He asked who makes that determination. Ms. Eaddy said we have a reasonable accommodation form that the employee will need to take to their doctor. If an absence was needed, or if they are able to perform their job with a reasonable accommodation, the provider will make the decision based on their job description. HR will follow up from there.

Ms. Eaddy confirmed that safety sensitive employees consist of police officers, public works and parks and recreation employees. Councilman James asked if a safety sensitive employee could be someone that is not driving a vehicle, but could be performing some type of electric work. Ms. Eaddy explained that all electric employees have CDL's so those restrictions already apply.

Councilman James asked if there are any safety-sensitive employees that do not have a CDL; Ms. Eaddy said police and parks and recreation do not have CDL's. He asked if those employees qualify as safety sensitive because they operate a city vehicle and referenced the post-accident requirement related to loss of life or damage.

He asked what would happen if an accident occurred involving some sort of construction equipment.

Ms. Eaddy said that operating some type of work equipment and causing damage or injury is not part of the proposed policy and referenced the section involving an employee that injures themselves or damages equipment.

Councilman James asked if they would be tested for drugs/alcohol at that point.

Ms. Eaddy said that is not in the proposed policy. Mr. Norenberg said at that point, it would involve reasonable suspicion but it would not be the result of the accident. However, the reasonable suspicion language would encompass that situation. In addition, Milford Police would most likely be called for field sobriety testing, etc.

Councilman Culotta referenced:

POST-ACCIDENT-Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life or the issuance of a traffic citation shall be tested for alcohol content and for the use of controlled substances.

Councilman James stated that is his point and that only involves a motor vehicle. From his work experience, he has witnessed other accidents that can cause substantial damage or hurt someone, that were the result of being impaired by drugs.

Ms. Eaddy commented that the reason the citation or human fatality was added is because that is a Department of Transportation regulation. Because of that, there could be one policy for the CDL drivers and another policy to test everyone else. In make it fair, citation and fatality are listed as the reasons for post-accidents. Otherwise, CDL drivers could not be tested outside that regulation.

Councilman Morrow asked if testing could be done following a workman comp accident or any accident where injury occurs. He reiterated Section 12.5.B.4 that only addresses vehicles.

Councilman James agreed that is his concern.

Mr. Norenberg stated that the City has a complete safety policy and program that covers a lot of items that go beyond this. However, they did not want to restate those things or make this policy too complicated. If there was an accident, whether it involved a forklift or a chainsaw that resulted in an injury, those supervisors assessing the situation who may notice an odor or behavior would document it. A second supervisor would be called and it would then fall under the definition of reasonable suspicion because the injury may have been caused by possible impairment.

The City Manager added that in addition to supervisor training, refresher training will be critical as well.

Councilman Morrow said that similar policies related to post-accident situations involve workman compensation in addition to vehicle accidents.

Solicitor Rutt pointed out that employees need to cooperate following an accident as is noted in the definition of refuse to cooperate. He noted that accident is not defined so it could be interpreted as any type of accident.

Councilman Morrow prefers testing be performed post-accident in relation to a workman compensation claim which is also a benefit to both the City's insurance and workman comp program.

Solicitor Rutt recommends adding accident to the definition section to expand on what constitutes an accident. Both Councilman James and Morrow felt that would be appropriate.

Mr. Norenberg stated the ordinance does not need to be adopted tonight, though he recommends taking public comment. The amended document will be brought back at the next meeting.

Councilman Boyle asked why this does not apply to all city employees and not just safety-sensitive employees; he worked for the government and the private industry and everyone was tested, including management. He feels it goes beyond accidents and specifically an individual who may be compromised and hurts themselves or someone else on the job.

He is concerned applying it to one segment of employees.

Ms. Eaddy confirmed that random testing only applies to the safety sensitive category and all other employees are subject to pre-employment, reasonable suspicion and post-accident.

Councilman Boyle again asked the reason for only random testing of safety sensitive employees. The consensus of Council was that this should apply across the board.

Solicitor Rutt agreed that separating one group could create a discrimination issue. He said it is not unusual for this to apply to safety sensitive employees, though there are other policies, including those codified in the Delaware Code for prison guards and different groups, where distinguishing features apply.

Councilman James questioned the safety sensitive category and whether that only applies to someone with a CDL or everyone who operates a City vehicle. Mayor Campbell shared that his past experience where hair follicles were tested in lieu of urine testing.

Mayor Campbell then opened the floor to public comment.

David Wilkinson stated he is a retired Deputy Warden from Delaware Department of Corrections and they drug tested upper administration all the way to support staff to prevent any discrimination issues. The Department was sued and lost in court. One employee is no better than another when it comes time for random testing and not only when there is suspicion of a drug or alcohol issue. He was randomly tested three months in a row as the Deputy Warden.

There being no further comments, the floor was closed.

Mayor Campbell directed the matter to be placed on a future agenda to allow for further evaluation by staff.

*Adoption/Ordinance 2019-07/Chapter 19/Economic Development & Redevelopment Code/DDD ©*

Mr. Pierce reported that the State of Delaware recently increased the minimum threshold in the small DDD projects from \$15,000 to \$25,000. Milford's code is currently set at \$15,000. His recommendation is to eliminate that number and replace it with a blanket statement to align with the State's DDD Rebate Program.

He further explained that the sum of investment would increase from \$15,000 to \$25,000 to receive 20% of the hard cost investment. Local incentives are tied to the State program and in his opinion Milford's should match those thresholds and eligibility requirements.

When asked the City's incentives outside of what the State of Delaware offers, Mr. Pierce advised that all building permit fees are waived, which includes the general fund portion of the building inspection. The water, sewer and electric impact fees are also waived.

The only thing the City collects are the Carlisle Fire Company fee and the Kent County impact fee.

In addition, the City offers full and partial tax abatements for different levels of investment. Increasing the property's value by double, is a full abatement. A partial abatement is provided for lesser investments.

He feels Milford has aggressive incentives in an attempt to promote growth.

He recalled that Council approved the incentives prior to the City applying for the DDD designation.

Councilman Culotta said he is concerned with our continuing efforts to improve Milford's downtown and the increase by \$10,000 though he understands the simplicity to align with the State's criteria.

Mr. Pierce said the \$15,000 threshold was added to the code only because that was the minimum State threshold at the time of the application. From a tracking standpoint, it is easier to align Milford's requirements with the State of Delaware incentives.

Councilman Culotta pointed out this only applies to the downtown area and not the entire City. For example, opening a small boutique downtown may not require a \$25,000 investment. To him keeping it at \$15,000 is a benefit to someone interested in our downtown. He believes every impact fee and permit fee adds up to a small investor.

Mr. Pierce pointed out that most of the \$15,000 projects involve roof, siding or windows. Pennant fit outs are usually higher. Councilman Culotta agrees but noted that things like roofing and siding can drastically improve the downtown area.

Mr. Pierce reminded Council the initial application to the State of Delaware in 2016 required local incentives. At that time, Milford did what was necessary to be awarded the district designation. Besides the City of Dover, Milford has what he believes is the most aggressive in terms of waivers by forgoing all revenues on qualifying projects.

He emphasized that though it is staff's recommendation to have it match the threshold of the State of Delaware, it is Council's decision.

City Manager Norenberg agreed with some of Councilman Culotta's points of incenting smaller projects. However, the biggest stumbling block of having two different thresholds can be confusing to investors. Most people expect to receive incentives from both the City and the State. It can be done, but the City will need the cooperation of builders and businesses to help provide accurate information.

Mr. Pierce feels that of all the 25 to 30 projects completed, there were only a handful of projects that did not meet the \$25,000 threshold and a lot did not apply for the State rebate.

Though they have already approved the increase, Mr. Pierce does not believe he would have to return to the State to ask for another change in the approved program should Council prefer keeping the \$15,000 minimum for small projects.

When asked for comments from the public, Jennifer Contravo said that as a person who is going to be starting a new business by summer, she would not mind having two options. She is unsure how much she will be spending, but increasing it to \$25,000 could impact her. Though there were only a few projects that didn't qualify, she referenced the people that do not have \$15,000 to spend. Increasing that threshold had the potential to stop them before they started.

She said that culturally minorities have a greater disadvantage and having a greater disadvantage might cause the City to shoot themselves in the foot, unless the City says down the road it could be raised. She is excited to be here in Milford with these opportunities and was one of the points that encouraged her to stay here. Now to say it is changed is discouraging. Other people have come to Council meetings who are thinking about starting businesses here too. She concluded by staying there is a lot going on that is very positive. She does not want to see that taken away.

When no one else responded, Mayor Campbell closed the floor to further public comments.

Councilman Boyle moved to postpone the matter until a future meeting and review the pros and cons of each position, seconded by Councilman Culotta.

Mr. Pierce interjected stating that he will provide a summary of the projects to date and their values for Council to review at the next meeting.

Motion carried.

#### *Bid Award/Public Works Facility/HVAC Replacement & Building Renovations*

Public Works Director Whitfield reporting that back in 2019, Council approved funding for the replacement and upgrade of the Public Works Administrative Building HVAC system. The present system has reached the end of its useful life and has become both costly to repair as well as unreliable.

On February 1, 2019, bids for the HVAC work were opened. The low bidder, Joseph T. Richardson, Inc, of Harrington came in at \$324,000. The engineer's estimate for the work was \$308,672. In addition, engineering fees for the project are expected to be \$25,000. The combination of the work to be completed, as well as the engineering fees, are within the current budget.

Councilman Morrow moved to award the Public Works Administrative building HVAC contract to Joseph T. Richardson of Harrington in the amount of \$324,000 with funding of \$162,000 from Electric Reserves, \$81,000 from Water Reserves and \$81,000 from Sewer Reserves, seconded by Councilman James. Motion carried.

#### NEW BUSINESS

#### *Authorization/Milford Community Cemetery/Relief Water Charge*

Parks and Recreation Director Brad Denehy informed Council that Mayor Campbell, City Manager Norenberg and he are members of the Milford Community Cemetery. Several years ago, Parks and Recreation was tasked with the maintenance of the cemetery grounds which is supposed to be self-sustained. Cemetery funds are supposed to pay for the workers which they do. However, the economic outlook of cemeteries in this country is not good because of the increasing number of people being cremated today.

As a result, the Milford Community Cemetery is facing a financial hardship. In December, a 1,000 plus feet water line that runs from Brightway Commons and across the soybean field sprung a leak. The line uses approximately 1,400 gallons of water and over the long weekend went undiscovered. Approximately 100,000 gallons of water was used as a result.

The cemetery board met and it was agreed to ask for relief from the City of Milford for the water bill of \$533.32 due to the cemetery being a non-profit and its current financial situation. In the meantime, improvements are being made to prevent this from occurring in the future.

Councilman Brooks moved to approve relief of the water bill in the amount of \$533.32, seconded by Councilman Culotta. Motion carried.

*Approval/Funding Appropriation/Milford Community Cemetery/Equipment Loan*

Mr. Dennehy continued by stating that the cemetery is located on North Walnut Street and US Route 113 and the arterial routes into the City. There are several matters being attended to, including the old wall which needs to be replaced.

The cemetery board requested \$100,000 from the Odd Fellows perpetual fund to get money for the removal of the wall, installation of a new fence and purchase of equipment. PNC Bank, who oversees the funds, denied the request though the cemetery is continuing to pursue it.

In the meantime, the grass needs to be maintained over the summer. As a result, he is asking for a low-interest loan to purchase the equipment. The replacement equipment will be solely used in the cemetery.

Mr. Dennehy shared that three temporary workers are assigned to the cemetery five days a week. Once they finish mowing the cemetery, they go back and start again. The request is to use City funds which will be paid back on a quarterly basis at the same time the City submits invoices for payment of the temporary workers.

He confirmed that the \$57,000 budget this fiscal year was a pass-thru to pay for the temporary workers. The purchase costs of cemetery lots should pay for the maintenance costs though overall sales are down. However, the City is still responsible for its maintenance based on the agreement signed by the City several years ago.

Mayor Campbell then provided Council with a synopsis of the \$750,000 currently in the Odd Fellows Fund of which the City only has access to the interest that is being earned on the account. PNC is the trustee and Solicitor Rutt is investigating how to get access to those funds considering the increasing maintenance needs and upkeep of the cemetery.

Mayor Campbell asked that a line item be added to the budget for financial and informational purposes.

Councilman James then questioned the reference of the low-interest loan and recommended it be called a zero-interest loan, if that is what is being considered.

Mr. Norenberg is of the impression it will be very difficult to get the funds from the trust. State law provides for a perpetual or care funds be established for all cemeteries to ensure ongoing maintenance. As a result, the board is looking at several options that includes selling some of its land for development. This could provide some funding for future improvements that would be beneficial to the long-term financial stability of the cemetery.

Councilman James suggested that the loan be evidenced by a note to ensure there is a document on file for evidence the Milford Community Cemetery is obligated to repay the money over a four-year period.

Solicitor Rutt offered to create the agreement.

Mr. Norenberg confirmed the cemetery board recently approved increases in lot prices and grave openings. Councilman Brooks recalled those items were increased a year ago as well and expressed concern of the continuing rise in prices to people often in a very vulnerable situation.

Mr. Norenberg added that Board Member Scott Sipple had a survey of fees from similar cemeteries and these fees are still on par with their fees. He agrees it should be kept affordable for the residents of the community and the reason the Cemetery Board was set up with representatives of the City and lot holders.

Councilman James moved to authorize the zero-interest loan to Milford Community Cemetery to be paid through quarterly payments over a four-year period, as invoiced by the City of Milford, and secured by a loan note, seconded by Councilman Morrow. Motion carried.

*Vacancy/City of Milford Planning Commissioner*

Mayor Campbell reminded Council that there is a vacancy on the Planning Commission due to Jason James' appointment to City Council. Presently, he is waiting to hear a response from a Fourth Ward applicant, though there is a pending residency question.

When questioned about the residency requirement for a Planning Commission, it was confirmed there is no requirement. However, it has always been the City's desire to have resident representation on the commission.

Solicitor Rutt confirmed that though there is no residency requirement in the State Code, nor is there a prohibition that the municipality could not make that a requirement.

Mr. Rutt said the reason that the State Code does not require a residency requirement is to allow property owners with summer residences to serve on the resort town's planning commission which meet on n Friday nights and Saturday mornings.

Councilman Boyle suggested revising the chapter to include a one to two-year residency requirement.

Mr. Norenberg recommended that any person interested in serving on the Planning Commission meet with Mr. Pierce to learn more about the role, in addition to completing the brief application that is available on the website.

*Acceptance/FY2017-2018 Audit*

City Accountant Suzannah Frederick reported that the audit was discussed in the Finance/Public Works Committee Meeting and it was agreed its acceptance would be postponed until the February 25<sup>th</sup> meeting. That will allow Council members more time to review the document.

Any questions should be referred to the City Manager.

Councilman James explained that in the private sector, audits have to be completed much faster. He noted that the City's fiscal year ends on June 30<sup>th</sup> and the audit report is dated January 5, 2019. Ms. Frederick explained the auditors were originally scheduled for August, but were deferred until September. In addition, there was an employee resignation that delayed the documents being provided to the auditors. That caused the process to begin later, in addition to the audit firm having other obligations they had to attend to during that time frame.

Councilman James said he is not familiar with the government process, but it seems like a long time to report the results of the audit.

Ms. Frederick confirmed that last year's audit was presented to Council around January.

The matter would be added to the February 25<sup>th</sup> agenda.

*Introduction/Ordinance 2019-01/Chapter 222/Water Code Amendments*

Mayor Campbell introduced Ordinance 2019-01:

ORDINANCE 2019-01  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 222-WATER

WHEREAS, the City of Milford provides public water services to its customers within City limits and to some customers outside the City limits; and

WHEREAS, the City of Milford has previously adopted water regulations and established rates; and

WHEREAS, the City’s Public Works Staff proposes changes to the Code, that include additional definitions, reference Kent County Delaware’s code when applicable, move fees, rates and fines from the Chapter and create a new Resolution for them, increase fines, increase inspection fees, and add service line specifications and permit requirements; decrease the size of land required for an irrigation well; and

WHEREAS, City Council found that the updated provisions are in the best interest of the health, safety, convenience and general welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* Section §222-1.- Schedule of water rates and charges is hereby repealed and replaced as follows (see Council packet).

Public Works Director Whitfield reported that the Public Works staff, as well as the Public Works Committee, has been reviewing the Water Code. The ordinance includes a schedule of rates, fines and fees be established and separated from the ordinance.

He then provided a brief synopsis of the proposed changes.

The ordinance is scheduled for adoption on February 25, 2019.

*Resolution 2019-01/Updated Water Rates*

To be acted upon by Council on February 25, 2019.

*Introduction/Ordinance 2019-02/Chapter 185/Sewer Code Amendments*

Mayor Campbell introduced the following ordinance:

ORDINANCE 2019-02  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 185-SEWERS

WHEREAS, the City of Milford provides sewer services to its customers within City limits and to some customers outside the City limits; and

WHEREAS, the City of Milford has previously adopted sewer regulations and established rates; and

WHEREAS, the City’s Public Works Staff proposed changes to the Code, that include additional definitions, reference Kent County Delaware’s code when applicable, move fees, rates and fines from the Chapter and create a new

Resolution for them, increase fines, increase inspection fees and installation fees, and add service line specifications and permit requirements; and

WHEREAS, City Council found that the updated provisions are in the best interest of the health, safety, convenience and general welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

Chapter 185 is hereby amended by deleting language indicated by strikethrough and adding language shown in bold and underlined.

*Resolution 2019-02/Updated Sewer Rates*

To be acted upon by Council on February 25, 2019.

*Introduction/Ordinance 2019-05/Yoder Properties LLC*

Mayor Campbell introduced Ordinance 2019-05:

ORDINANCE 2019-05  
Yoder Properties LLC for a Conditional Use to allow a Single-family semidetached dwelling  
on 0.22 +/- acres in an R2 zone.  
Property is located at 703 SE Second Street, Milford, Delaware.  
Present Use: Vacant/Proposed Use: Single-family semidetached dwelling  
Tax Parcels 3-30-7.17-213.00

WHEREAS, the City of Milford Planning Commission has considered the conditional use application at a Public Hearing on Tuesday, February 19, 2019; and

WHEREAS, Milford City Council held a Public Hearing on Monday, February 25, 2019, to allow for public comment and further review of the ordinance and related recommendations and comments; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Conditional Use, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Yoder Properties LLC is hereby granted a Conditional Use Permit to allow a Single-family semidetached dwelling, in accordance with the proposed application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Public Hearing: February 19, 2019  
City Council Introduction: February 11, 2019  
City Council Public Hearing: February 25, 2019  
Effective: March 7, 2019

Mr. Pierce explained this involves a conditional use application for the construction of a semi-detached dwelling on Southeast 2<sup>nd</sup> Street. It requires a variance approval which is scheduled for Thursday, February 14<sup>th</sup> before the Board of Adjustment.

EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. 29 §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 8:46 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 8:58 p.m.

*MPD Teamsters Negotiations*  
*Council Appointees Reviews/Discussions*

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

ADJOURNMENT

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

The Council Meeting adjourned at 8:59 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder