

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 25, 2019

Milford City Council held a Public Hearing on Monday, February 25, 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 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

ABSENT: Councilman Christopher Mergner

Mayor Campbell called the Public Hearing to order at 7:17 p.m.

ORDINANCE 2019-05

Yoder Properties LLC for a Conditional Use

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

Mr. Pierce reviewed the application, adding the following:

The applicant proposes to subdivide a parcel of land in two and construct a single-family semi-detached dwelling. The property formerly contained a two-family dwelling which was demolished in 2017 after it was damaged in a fire.

This application falls under the newly adopted administrative minor subdivision process and tonight's vote is only on the conditional use for the duplex. Under Chapter 230-10(C), single-family semidetached dwellings are subject to approval of a conditional use permit from City Council.

The minor subdivision required variances from the minimum lot width requirement for a duplex and the maximum lot coverage and reviewed by the Board of Adjustment at their February 14, 2019 meeting.

The public notice was advertised in the Milford Beacon and all properties within 200 feet were mailed notices.

The Planning Commission recommended approval at their February 19, 2019 meeting by unanimous vote. No one from the public was present to offer comments for or against the application.

Yoder Properties LLC Owner Jay Yoder was in attendance. He explained the property is in the Downtown Designation District and his goal is to provide a single-family detached property so that each side could be sold separately. In that manner, someone who may not be able to afford a traditional home may be able to purchase one of the approximate 1,500 square foot units.

There being no questions from City Council, Mayor Campbell opened the floor to public comment. No one responded and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2019-05 for a Conditional Use to allow a single-family semidetached dwelling on 0.22 +/- acres in an R2 zone at 703-705 SE Second Street, seconded by Councilmember Peel.

Motion carried by the following roll call vote:

Boyle-votes yes stating it conforms with the zoning and has been approved by the Planning Commission.

Peel-votes yes for same reasons stated by Councilman Boyle.

Culotta-votes yes and agrees with the reasons that have been stated.

Brooks-votes yes based on the Planning Commission recommendation.

Morrow-votes yes for the same reasons, believes it is will be good for the area and will provide more affordable housing.

James-votes yes because it conforms to the zoning and the DDD and there are similar homes in the area.

Wilson-votes yes for the same reasons stated by Councilman James.

There being no further business, Mayor Campbell adjourned the meeting at 7:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder

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IN ATTENDANCE: Councilmembers 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

ABSENT: Councilmember Christopher Mergner

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:25 p.m.

INVOCATION AND PLEDGE

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

COMMUNICATION & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Appointment/City of Milford Planning Commissioner

Councilman Brooks moved to appoint the following resident to the City of Milford Planning Commission, seconded by Councilman James:

Duvanel Louis of 401 North Street

Motion carried.

Adoption/Ordinance 2019-01/Chapter 222/Water Code Amendments Adoption/Resolution 2019-01/Updated Water Rates

Public Works Director Mark Whitfield was in attendance, noting that for close to a year, the water code has been under review. It was presented to the Finance and Public Works Committee for comments as well.

He then highlighted the following proposed changes:

1. Establish a Schedule of Rates, Fees and Fines. Because rates, fees and fines may change on an annual basis, creating a Schedule of Rates, Fees and Fines would allow Council to change fees and fines by Resolution, rather than making a Code change.
2. Define curb "stop". Presently, the ordinance is vague and states "curb or curblines". The terminus of City responsibility ends at the meter pit or "curb stop".
3. Clearly define the temporary uses of water and where it can be obtained. This is not addressed in the present ordinance.

4. Backflow Preventer valve. Require backflow preventer valve on all services (presently there is state legislation pending for this requirement. Backflow preventer valves ensures the safety of the water in the City system by preventing water from being siphoned into the system from private residences and businesses.
5. Fixture Units and Impact Fees. Presently we use Kent Counties flow per fixture units and impact fees based on Specific Assessment by Usage. Rather than changing the code ever time Kent County changes theirs, simply refer to Kent County in the Code.
6. Increase fines from minimum \$25/maximum \$300 to \$50 minimum/\$1000 maximum. The proposed fines are in line with other municipalities in the area.
7. Irrigation meters and connections. Based on water used in comparison to regular household water usage, staff recommends a 1 EDU charge be set as an impact fee for irrigation meters.
8. Irrigation wells/Agricultural wells. Presently, Ag Wells and Irrigation Wells are prohibited unless the lot is three (3) acres or more. Should the size of the lot be reduced, or the restriction eliminated? Staff has concerns with the potential number of wells drawing from the same aquifer in a small geographic area. The number of parcels in the City are as follows:

3 acres or more – 256 parcels = 3813 acres
2.5 acres or more – 302 parcels = 3939 acres
2 acres or more – 352 parcels = 4049 acres
1.5 acres or more – 426 parcels = 4174 acres
1 acre or more – 558 parcels = 4327 acres

There are 6247 total parcels in the City totaling 5,589 acres.

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

On the flip side, the impact on the City's water system to serve irrigation for large lots would be significant.

Lastly, the present provisions in the Code prohibit irrigation wells for the purpose of watering household lawns and gardens. The present Code allows irrigation wells for agricultural purposes only.

The Finance and Public Works Committee recommends the Code be changed to allow irrigation wells be permitted for lawns and gardens, and the restriction on wells be reduced to two acres or more.

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

13. At the request of the Customer Service Department, a section was added to permit the City Manager (or his designee) to waive certain fees.

Councilman Boyle recommended adding EDU to definitions.

Councilman Culotta expressed concern about the increase of fines from minimum \$25/maximum \$300 to \$50 minimum/\$1000 maximum. Because of the fee, he feels that someone with a problem would simply overlook asking for the City's advice to prevent paying the fee. In addition, the City will already receive revenues from the water usage and he does not recommend the increase.

Mr. Whitfield explained the initial fees are \$100 which includes two inspections. Typically, they are called for the backfill inspection just prior to meter replacement. What occurs many times is the contractor calls for an inspection when they are not ready. The inspector responds to the call and has to wait for an hour or more before they tell the inspector they will not be ready.

Councilman James stated that if the current \$35 fee does not cover the initial fee, and that needs to be increased.

Mr. Whitfield shared the estimated cost associated with the inspector, the vehicle and the inspection time and travel is roughly \$50. Councilman Culotta pointed out that Sussex County's inspectors encourage contractors to call him anytime to prevent any mistakes from later having to be corrected.

Councilwoman Peel asked if this is being increased to punish the people that are doing the right thing and whether the focus should be on those creating the problem. She suggests a cancellation fee be created, similar to what a doctor charges for no shows.

Mr. Whitfield pointed out that even though most people follow the rules, the City is not recouping its costs. He recommends that the fee be amended to at least cover the costs for the one inspection or make it \$50 per inspection.

Council then discussed a cancellation fee, which could be equal to the inspection fee. Councilman James pointed out that in that situation, only the offenders pay in that situation. However, there is still a need to increase the basic cost of one inspection, though it may be less with this cancellation fee implemented.

Mr. Whitfield confirmed that on average, two inspections are needed. He also verified that if someone needed some questions answered, they would not be assessed a fee. The goal is to have the work done correctly.

Councilwoman Peel recommends an incremental cost that would increase with each subsequent inspection.

It is recommended the ordinance be amended to reflect an escalation fee, cancellation fee and a \$50 base inspection fee to cover the cost of the first inspection.

Mr. Whitfield also noted that once the UFS study is complete, he will be returning with some additional fee recommendations.

Councilman Culotta then referenced item 14 and suggests adding similar language that would allow certain fees to be reviewed and waived by a vote of Council, such as impact fees for a new business. In that manner, it would not just be left up to the City Manager.

Mr. Norenberg pointed out that is already incorporated into the code. In terms of fee waivers, #14 only applies to very unique or limited circumstances, and more often reconnect or late fees. Those fees have been waived in the past though there was no clear direction on how or why that could be done and the reason it is being added.

Councilperson Peel pointed out that City Council does not have the authority over non-regulatory guidance. Instead that falls under the management of the City.

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

The ordinance and resolution will be brought back on March 11th for a final determination.

Adoption/Ordinance 2019-02/Chapter 185/Sewer Code Amendments
Adoption/Resolution 2019-02/Updated Sewer Rates

The Public Works Director pointed out the same language is in the sewer ordinance and follows the same outline.

He then reviewed the following changes:

1. Establish a Schedule of Rates, Fees and Fines. Because rates, fees and fines may change on an annual basis, creating a Schedule of Rates, Fees and Fines would allow Council to change fees and fines by Resolution, rather than making a Code change.
2. Define "Cleanout". Presently, the Sewer Ordinance uses the word "curb" or "curblin" is similar to the Water Ordinance. "Cleanout" or some other term should be utilized to establish a breakpoint for City's versus Owner's maintenance responsibility.
3. Define "City Manager" under Section 185-2 and include definition as "the Chief Administrative Official of the City as selected by Council or his duly appointed representative". Throughout the Ordinance, it states that "the City Manager shall cause specific work to be done" or "if required by the City Manager". As this is a position held within the City, this legally requires all of those items to come directly from that position.
4. If the City wishes to require any out-of-town customer desiring sewer service to annex into the City, this should be included under Section 185-3 of the ordinance.
5. Remove EDU & Fixture Count Tabulations. Presently we use Kent Counties flow per fixture units and impact fees based on Specific Assessment by Usage. Rather than changing the code ever time Kent County changes theirs, simply refer to Kent Co in the Code.
6. Increase fines from minimum \$50/maximum \$500 to minimum \$100 /\$1000 maximum.
7. Water/Sewer Inspection Fee – Presently there is a one-time charge of \$35 for the inspection. Unfortunately, staff is called multiple times for inspections. First, \$35 does not cover the cost of a single inspection. Secondly, the intent was for there would be, at most, two (2) inspections. Staff recommends changing the ordinance to allow for a flat \$100 fee for inspection, which includes two (2) site inspections, and a \$50 fee for each inspection visit beyond the two (2).

It was agreed to defer action on the sewer code and resolution as well and focus on the inspection fee as discussed previously.

Councilman Boyle recommends rewording Section 185(3)(c) and 185(3)(d).

8. Cleanout Installation Fee – Currently, the fee for installing a cleanout is \$300. Based on how I interpret the Code, the City would be installing the cleanout. Costs for the materials alone are close to \$300. Staff recommends changing this to Construction Cost (Materials & Labor) plus 10% Administrative Fee.
9. Service Line Specifications and Permit. Presently, no language exists in the Code regarding the pipe installation and inspection from the structure to the City supplied service line from the main. This is not covered under the Building Code, and typically the City does the inspection on new construction as well as replacement lines. For new services, a permit is required due to connection to the sewer, however, no permit is required when a line is replaced. Staff recommends a new section to address both the installation specifications and permit for service line replacements.
10. At the request of Customer Service, a section was added to allow the City Manager (or his designee) to waive certain fees.

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

This ordinance and resolution will also be added to the March 11th agenda.

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

Mr. Norenberg recalled that at the February 11, 2019 meeting, City of Council discussed proposed Ordinance 2019-06 regarding drug testing for employees. As a result of the discussion at the last meeting, staff and the City Solicitor did additional research and recommend City Council consider approving amendments to the ordinance prior to adoption.

Safety Sensitive vs. All Employees: Some states and localities have adopted or required testing programs that focus on the employees who are at greater risk of harming themselves or others if drug or alcohol use was taking place in the workplace. However, Delaware has no such regulation. In recent years, an environment of comradery and teamwork has been developed in the City of Milford. Accordingly, we believe treating everyone equally with respect to random drug and alcohol testing will be understood and accepted. Thus, Section 12.5.B.2 is recommended to be amended to read as follows:

12.5.B.2. RANDOM

Each employee who is assigned to a position which requires the possession of a CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of controlled substances. Such test shall be conducted on a random, unannounced basis quarterly and in accordance with this policy.

In addition, the word Alcohol shall be added to Section 12.5.C. Testing Procedures.

Under the influence while On Duty: During the presentation on February 11, Human Resources Administrator Eaddy noted the need to amend section 12.5.A.2 to make it clear that the prohibited activity was during work hours. So, as noted earlier Section 12.5.A.2 is recommended to be amended to read as follows:

2. Being under the influence of alcohol or illegal drugs while on duty.

Minor Incidents / Accidents: During the discussion with City Council on February 11, there were questions about whether other accidents or injuries should constitute automatic Post Accident Testing. HR Administrator Eaddy checked with our Worker's Compensation provider and reviewed claims history. The Worker's Compensation provider, DEFIT, reported that, "We do not have a policy requiring drug testing for any worker's compensation claim that is filed. It would be up to the employer to decide if they want to implement a policy. It is not required by the worker's compensation carrier. In my opinion, we should only test if there is reasonable suspicion. Testing for all worker's compensation claims is an unnecessary cost and we want employees to report injuries and not impact the morale." Fortunately, our claim history reveals very few significant injuries, death, etc. Many of the claims receive are minor (thumb jammed in the door, etc.). In addition, we have reduced claims in recent years due to the automated sideloading refuse trucks.

As a reminder, Section 12.5.B.4. POST-ACCIDENT testing covers all employees, not just CDL drivers: 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.

As noted at the last meeting, any accident or incident that takes place on public streets would likely be investigated by police. So, even if there was no loss of life, if the investigating officer felt it was appropriate, the employee could be sent for substance abuse testing. Incidents or accidents that take place in a building or worksite, should be investigated by supervisors if there was an injury or property damage. In either case, if there was reason to suspect alcohol or drug use was a factor in the incident, the probable cause provisions of this policy would be utilized. Accordingly, no changes are recommended.

All incidents or accidents require prompt notification of Human Resources, ensuring that this policy will be followed.

It is recommended that Ordinance 2019-06 be approved with the following amendments:

1. Section 12.5.B.2 is recommended to be amended to read as follows:

12.5.B.2. RANDOM

Each employee who is assigned to a position which requires the possession of a CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of controlled substances. Such test shall be conducted on a random, unannounced basis quarterly and in accordance with this policy.

2. *Section 12.5.A.2 is recommended to be amended to read as follows:
 2. *Being under the influence of alcohol or illegal drugs while on duty.**
3. *The word Alcohol shall be added to Section 12.5.C. Testing Procedures.*

HR Manager Jamesha Eaddy was present and stated that we currently use DFIT and we do not drug test after every workman compensation claim. Most claims come from the police department and involve a thumb jam or maybe a human bite. The situations do not create the need for drug testing. There would have to be some reasonable suspicion to send them forward. He stated that overall, the City has very few workers compensation claims other than those from the police department.

Councilman Boyle referenced the following language:

Incidents or accidents that take place in a building or worksite, should be investigated by supervisors if there was an injury or property damage. In either case, if there was reason to suspect alcohol or drug use was a factor in the incident, the probable cause provisions of this policy would be utilized. Accordingly, no changes are recommended.

He pointed out there is no probable cause paragraph in the policy; Ms. Eaddy confirmed she is referring to reasonable suspicion.

Councilman Boyle then questioned:

12.5.B.3. REASONABLE SUSPICION

The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor. These observations may include indications of the chronic and withdrawal effects of controlled substances as defined by the Federal Motor Carrier Safety Administration (FMCSA). Two trained supervisors must witness the conduct and be trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

He said it was agreed that this policy now covers all employees and not just someone driving a vehicle. He asked how that translates to someone in the building who falls down the steps and breaks their foot and where is the probable cause or reasonable suspicion adding the standards for operating a motor vehicle are addressed and nothing else.

Mr. Norenberg said the sentence in the middle of the paragraph refers to only the controlled substances. The key sentence is the requirement that two trained supervisors must witness the conduct. If there was an odor or odd behavior, the supervisor would bring in a second supervisor. There is no procedure for reasonable suspicion which is being developed.

Solicitor Rutt pointed out the ordinance states these observations MAY include indications though the City is not bound by them. He said this provides a standard. The City is not limited by the definition though it can be used though it is really the call of the two supervisors.

Councilman Boyle then referenced 12.5.C and asked the standard or national standards for certified, qualified individuals. He asked if there is a separate issue with police officers. Mr. Norenberg explained that is the testing for all employees though Chief has separate jurisdiction over someone that is impaired. The City Manager confirmed the police labor contract includes permission and testing procedures.

Mr. Rutt informed Councilman Boyle he could make a motion to amend the ordinance to strike the language in 12.5.B.3. Councilman Boyle stated that he does not feel that is necessary.

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

Councilmember Wilson moved to adopt Ordinance 2019-06, Chapter 55, Personnel Code, Random Drug Testing/Addiction, seconded by Councilmember Culotta. Motion carried.

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

As requested, Mr. Pierce provided a list of 40 projects that occurred in the DDD program, along with investment amounts, rebates from the State, City waivers, etc.

He then provided a background of the DDD designation awarded to the City. At that time, the minimum threshold for local incentives matched the minimum \$15,000 State eligibility requirement. In hindsight, he feels the language should have been more flexible for the City to stay consistent with the State, as those incentives change. As has been discussed, the minimum amount has been increased by the State of Delaware to \$25,000.

At the last meeting when this was discussed, Council expressed concern that if the threshold was raised, it would impact improvements for lower income properties. He noted there are other low-income programs, including the Delaware State Housing and CDBG programs that provide full grants with no minimum investment for housing rehabilitation and other needs.

Mr. Pierce noted that of the forty eligible DDD projects, only eight would have been below the \$25,000 threshold. Seven of those eight were residential and a couple applications did not require permits. Another applicant was awarded tax abatements when the residential unit was converted from a rental to an owner-occupied unit. As a result, there were six properties below the threshold.

Councilman Culotta said he had the concerns that increasing the threshold to \$25,000 could impact future improvements in the downtown area. Though there are only eight or so properties that would have been impacted, it is still a total investment of \$100,000 in the downtown area.

He referenced one property owner who received a waiver of \$155 to improve some houses next to their office to be used as rentals and other purposes. Though that does not seem like a lot of money, every little bit counts when it involves a small business owner.

To Councilman Culotta, he does not care what the State decides or does. He prefers it remain at \$15,000.

Councilwoman Peel pointed out this list involves people that are buying multiple properties and investing their money. Mr. Pierce agreed there may have been only one of the eight that was owner-occupied. All others were investment properties or residential rental properties. One of the eight was a commercial fit out within the Riverwalk Plaza.

Mr. Pierce confirmed that the only reason he requested the change was to remain consistent with the State requirements. To Councilman Culotta's point, Council could consider lowering the threshold or keeping it at Milford's current threshold.

Mr. Norenberg stated that staff is comfortable keeping it where it is. Mr. Pierce will simply need to clarify to potential investors there are two different thresholds.

Mr. Pierce said the one thing he would like Council to consider is that the \$15,000 was initially established to align with the State's guidelines. Councilman Culotta reiterated that he prefers lowering the threshold to between \$5,000 to \$10,000. Councilwoman Peel feels that any incentive we can provide to improve properties to attract new business owners and homeowners is worth considering.

Councilman James said he is not hearing any benefit to changing the threshold and prefers it remain where it is. Councilman Culotta pointed out that spending \$5,000 to \$7,000 to paint a house, for example, will make a huge improvement and goes a long way aesthetically.

Mayor Campbell then opened the floor to public comment.

Nina Pletcher said she is very involved with DMI. The incentive to get businesses to come to our downtown is what the organization is all about. Any support Council can help with is a win for everyone. It sounds like keeping it at \$15,000 will provide more people the opportunity to come to Milford and do their thing.

No one else responded. The floor was then closed.

The City Manager then referenced several other incentives offered by DMI. Councilman Culotta said he would like to tell people to come to the DDD District and that there is no minimum amount to invest. At the end of the day, this only involves permit fees and a few impact fees, but it sounds good in that Milford is business friendly.

He recommends deferring any action until more data is brought back to Council.

Mr. Pierce said he can provide a list of all the permits issued over the past two years. But attributing them to the DDD would take a significant amount of time. Reports would have to be run and employees involved.

Mr. Norenberg recommends this be sent to the Community and Economic Development Committee which meets prior to the Council meeting on March 11th.

Councilmember Peel moved to refer the DDD Incentives thresholds to the Community and Economic Development Committee for further discussion, seconded by Councilmember Wilson. Motion carried.

Acceptance/City of Milford FY17-18 Audit

Mr. Norenberg reported that City Auditor is working out of State and they have not been able to obtain the answers to Councilman James' recent questions. He asked that the matter be deferred until March 11th and Council agreed.

NEW BUSINESS

Council Member Appointment/Finance & Public Works Committee and Police Committee

Mayor Campbell advised that he is appointing Councilman James to the following committees:

Finance & Public Works Committee
Police Committee

Authorization/Preliminary Site Plan & Preliminary Major Subdivision/Extension #5 Morris & Ritchie Associates Inc on behalf of Dunn Development LLC Hickory Glen/Milford-Harrington Highway Tax Map MD-16-173.00-01-21.00; -22.00

Mr. Pierce reported the Planning Commission reviewed the Hickory Glen application in January and deferred the matter until the February meeting. They had asked for more information from minutes, agency approvals, construction plan reviews comments and other related items. They also wanted to make sure the plan was up to code and there were no amendments over the past five to six years while the project has been in the review stage.

Upon receipt and review, the Planning Commission voted 4 to 2 to recommend approval of the preliminary major subdivision extension request. At that time, they also approved the preliminary site plan for the multi-family area at that meeting by the same vote.

They are close to getting their full agency approvals according to the Planning Director, and are working with the City Engineer to get construction plan approval to move forward.

Phil Tolliver of Morris and Ritchie Associates of New Castle, Delaware and John Paradee of Baird, Mandalas, Brockstedt, LLC were present on behalf of the applicant.

Mr. Tolliver stated this is the fifth extension and should be the last one. The project has been around for a while and has gone through a recession, a recovery and some other issues. There have been some delays in getting comments back. Most recently a complete construction plan package was submitted in January 2018 and it was June before all final comments were received from the City. Typically, it takes approximately 45 days from other municipalities and counties.

DBF was the City Engineer when the project started; it is now KCI. That handoff has also created some delays. All other agency approvals have been received. The one final extension is needed to have the record plats recorded and construction plans approved.

Mr. Tolliver confirmed the stormwater plans are code compliant and up to date. He is in possession of a no-objection letter from the Kent Conservation District.

The City Manager asked if there was a plan to disclose the noise potential to interested buyers, considering the homes will be close to Baltimore Air Coil. Mr. Tolliver confirmed that will be certain notes that are added, similar to someone that lives next to an agricultural use. If required, they would be willing to do that.

He noted that Baltimore Air Coil has been there for many years and it precedes this project. Anyone purchasing a home or looking at the property will see BAC. If required, they could add some disclosure language that there is an industrial practice next door into the covenants and restrictions.

Mr. Norenberg wanted to make sure Council was aware of its location to this project adding that the Amberwood Development previously approved is no longer planned.

Mr. Tolliver said it would not be a problem to add it, though Mayor Campbell said he believed that was discussed many years ago by the Planning Commission.

Councilwoman Wilson moved to authorize Preliminary Site Plan & Preliminary Major Subdivision/Extension #5 for Hickory Glen, seconded by Councilmember James. Motion carried by the following roll call vote:

Boyle-votes yes based on recommendation from the Planning Commission.

Peel-votes yes for the same reason based on the recommendation put forth by the Planning Commission.

Culotta-votes yes based on the recommendation of the Planning Commission. He also thinks it has opened up room for discussion about the process to help developers like this. We know the project sat around because of the economy and other matters. He stated that Rob does a great job, but because he is so busy, there are things that he may need to consider that could help further investment in town.

Brooks-votes yes and he has been involved in the last four extensions.

Morrow-votes yes for the reasons stated.

James-votes yes adding he believes he was involved in the initial introduction of the project and an extension or two and the diligence that has been done by the Planning Commission. He knows the amount of work that Rob and the Planning Commission has done.

Wilson-votes yes based on the recommendation of the Planning Commission.

Budget Adjustment/Public Works/Wastewater Division/Wastewater Treatment I&I Line Item

Public Works Director Whitfield reported that the City collects wastewater via our sewer system and transmits the wastewater to Kent County for treatment. Due to inflow and infiltration of groundwater or stormwater into our underground sewer mains, more wastewater is sent to Kent County for treatment than is sold from our water system. We

budget for the treatment of the I&I water each year and plan capital projects to repair or replace aging wastewater lines to prevent this. Due to greater rainfall than anticipated thus far this fiscal year, the City's I&I costs are exceeding the budgeted allocation.

Through December, \$405,000 has been spent treating I&I water out of a budget of \$475,000. The Finance Director forecasts at least another \$150,000 to \$200,000 will be needed over the next six months.

Councilmember Wilson moved to authorize an increase of \$125,000 to \$600,000 to be funded from Sewer Reserves, seconded by Councilmember Peel. Motion carried.

Budget Adjustment/Customer Service Department/Overtime Costs

City Accountant Suzannah Frederick said she addressed the Finance and Public Works Committee meeting last about the unexpected changes at Customer Service in volume and work demand due to the AMI project needs. When the AMI project began, they did not forecast the amount of extra time staff was going to be working to learn the new software and to work through all the associated problems.

She said that even though they talked with other communities prior to beginning the AMI project, they were unaware of the demands on Customer Service staff that the AMI project would require. Now that the project is underway, they have learned that other communities have experienced similar situations and that Milford is not alone. Other communities have reported working a year of long workdays to balance the changes in procedures and software related to the new metering program.

She is asking City Council to authorize additional funding of \$20,000 to cover current and projected overtime through end of year by authorizing \$10,000 be paid from Electric Reserves, \$5,000 from Water Reserves and \$5,000 from Sewer Reserves.

Ms. Frederick confirmed a lot of the overtime has been worked and by the end of November, the \$6,000 that was budgeted, had been spent. Though that was sufficient for the past five years, they were unprepared for the amount of work associated with the project.

Councilmember Peel moved to authorize additional funding of \$20,000 to cover current and projected overtime to be paid with \$10,000 from Electric Reserves, \$5,000 from Water Reserves and \$5,000 from Sewer Reserves, seconded by Councilmember Boyle. Motion carried.

Authorization/State Mosquito Control Spray Policy

Councilmember Wilson moved to authorize the annual State of Delaware Mosquito Control Spray Policy for 2019, seconded by Councilmember James. Motion carried.

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 8:54 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 9:46 p.m.

Ratification/Milford Police Teamsters Agreement

Councilmember Boyle moved to ratify the Milford Police Department Teamsters Local 326 Labor Contract, seconded by Councilmember Brooks. Motion carried.

Authorization & Funding Appropriation/MPD Teamsters Agreement

Councilmember Boyle moved to authorize and fund from General Fund Reserves the Milford Police Department Teamsters Local 326 Contract, in the amount of \$197,382 for Fiscal Year 2018-2019, seconded by Councilmember Wilson. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 9:50 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder