

# City of Milford



## CITY COUNCIL AGENDA

**Monday, August 12, 2019**

Joseph Ronnie Rogers Council Chambers  
Milford City Hall, 201 South Walnut Street, Milford, Delaware

**7:00 P.M.**

### COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Deputy City Clerk Christine Crouch  
City of Milford Customer Service Employees  
MPD Employees

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business

Approval/Appropriation/City Hall Basement Waterproofing & Restoration Project

New Business

Alcohol Waiver/Chapter 77/Alcoholic Beverages/Ladybug Music Festival  
Budget Adjustment/Milford Police Department Teamsters/Chart Correction  
Adoption/Resolution 2019-11/Water Fee Schedule ®  
Approval/Infiltration & Inflow Study/Engineering Services/Sewer Reserves  
Approval/Service Sign Agreement  
Approval/R&R Commercial Realty/Business Park Lot Sales/Contract Renewal  
Approval/Milford Community Parade/Utility Bill Inserts Donations Request

Approval/Amory Lease Transfer/Delaware Community Reinvestment Action Council (DCRAC) to Elevated Community Development Corporation (CDC)  
Introduction/Ordinance 2019-07/Chapter 19/Economic Development & Redevelopment/DDD Incentives Reduces Value Threshold from \$15,000 to Zero  
Appointment/Reappointment of Board of Adjustment Members  
Appointment/Reappointment of Planning Commission Members  
Appointment/Reappointment of Parks & Recreation Advisory Board Members  
Authorization/Police Vehicles Purchase/Budget Authorization\*

EXECUTIVE SESSION

Motion to Recess into Executive Session

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Pursuant to 29 Del. C. §10004 (b)(9) Discussing personnel matters in which the names, competency and abilities of individual employees are discussed.

Return to Open Session

Potential Vote Pursuant to 29 Del. C. §10004 (b)(9) Personnel Matter

Potential Vote Pursuant to 29 Del. C. §10004(b)(4) Pending/Potential Litigation

Adjournment

All items on the Council Meeting Agenda are subject to a potential vote.

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT  
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED  
AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**

© Public Comment, up to three minutes per person, will be accepted.

062619 071019 071119 72219 072519 080219 080519 \*080719 Added by Chief Brown

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 3, 2019

A meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, Delaware on Monday, June 3, 2019, to discuss the proposed Fiscal Year 2019-2020 City of Milford Budget.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Lisa Peel,  
Owen Brooks Jr, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, City Clerk/Recorder Terri Hudson and  
City Accountant Suzannah Frederick

ABSENT: Councilman Todd Culotta and Douglas Morrow

*Call to Order*

Mayor Campbell called the Council Meeting/Budget Hearing to order at 5:09 p.m.

Several City of Milford Staff Members were also present.

*Review and Discussion of Proposed City of Milford FY 2019-2020 Budget*

*Introduction and Overview*

Mr. Norenberg reviewed the process explaining the general fund accounts will be discussed tonight and enterprise accounts tomorrow night. Any items not completed tonight will be brought back before Council tomorrow night for final action.

What is being presented is a balanced general fund budget. There are increases in several areas that will be discussed. In addition, there is no tax increase included in the proposed budget.

He explained that when the enterprise funds are discussed, some issues related to the solid waste fund and the wastewater fund will need to be worked out. The City Manager also reported that Kent County is passing on a 10% increase of water and wastewater treatment. In Milford, that is shown as a separate line though that will also impact the City's overall budget.

Base pay increases for non-union employees are included, in addition to the implementation of a merit-pay program discussed with Council earlier this year. The safety incentive program will also be implemented to recognize employees that provide suggestions to make our workplaces safer.

He also recalled the Special Performance Recognition Program that has been discussed with City Council.

Capital items and equipment will be reviewed and discussed.

He also referenced a list displaying items that are included in the budget and some not in budget, but have been previously discussed by City Council.

Tomorrow night, Council will need to make some final decisions on a number of the items, in addition to any new items Council wants included.

*General Fund:*

Page 3-Revenues

Councilman James questioned the revenue projections. He noted that at the end of March after 75% of the fiscal year had elapsed, the total general revenue fund was \$8.6 million and running 87% ahead or 12%. Based on that run rate, it

would have been about \$11 million. He does not understand the total projected general fund revenue of \$9.8 million and asked how that number was obtained.

Ms. Frederick will speak with the Finance Director and provide a follow-up to Councilman James.

*Police Department  
Page 8-9*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Salaries-Sworn Officers</i>	<i>2,054,350</i>	<i>2,180,000</i>	<i>2,406,020</i>
<i>Officers Overtime</i>	<i>178,000</i>	<i>178,000</i>	<i>206,000</i>
<i>Officers Court Standby</i>	<i>35,000</i>	<i>33,000</i>	<i>40,500</i>
<i>Officers On-Call</i>	<i>55,000</i>	<i>58,000</i>	<i>50,000</i>
<i>Salaries-Civilians</i>	<i>398,520</i>	<i>433,500</i>	<i>475,960</i>
<i>Uniforms</i>	<i>37,500</i>	<i>80,000</i>	<i>63,700</i>
<i>New K-9 Unit</i>	<i>0</i>	<i>0</i>	<i>12,800</i>
<i>Retirement</i>	<i>476,267</i>	<i>497,605</i>	<i>581,570</i>
<i>Vehicle Maintenance</i>	<i>164,000</i>	<i>163,429</i>	<i>187,000</i>
<i>Vehicles</i>	<i>87,100</i>	<i>85,000</i>	<i>92,300</i>
<i>Capital Equipment</i>	<i>0</i>	<i>0</i>	<i>13,885</i>
<i>Legal Expense</i>	<i>50,000</i>	<i>45,000</i>	<i>50,000</i>
<i>Holiday Sellback</i>	<i>0</i>	<i>0</i>	<i>3,630</i>

Chief Brown was present. Ms. Frederick reviewed the police budget on his behalf.

The City Accountant confirmed that \$425,000 is the cost of the five new officers (\$85,000 per officer); that same amount is being transferred from general fund reserves to cover those costs. She explained they were hired between September and December, so the actual numbers this fiscal year are lower than what was projected for FY20.

- Officers' Salaries increase-\$350,000 additional officers approved July 2018.*
- Overtime and court standby increase-result of the five new officers.*
- On call pay decrease-significant reduction due to fully staffed.*
- Civilian Salaries increase-includes an additional full-time dispatcher.*
- Uniforms increase by \$27,000-Ballistic vest replacement and additional uniforms and dry cleaning for five officers.*
- K-9 Unit increase-additional unit; initial cost to purchase dog; remaining years maintenance only.*
- Retirement increase-additional five officers.*
- Vehicle increase-replacement of two vehicles (regular rotation).*
- Equipment-Replacement recorder.*

When asked about vacancies, Chief Brown reported that the department remains short-handed until the officers graduate from the academies. Three are attending New Castle County Academy and three attending the Delaware State Police Academy. Once they graduate, the patrol division will be full.

Chief Brown added that the recorder replacement is for a computer that records phone calls and radio calls in dispatch.

He also commented that the vehicles they purchase are not new vehicles but are leftovers from the previous year.

Uniform costs are also unknown at this time. The City Accountant noted that the projected \$80,000 for uniforms this current year is much higher than projected because that includes the cost of purchasing uniforms for the five new hires and several replacement officers as well.

Ms. Frederick continued her review and Mr. Norenberg confirmed that the new enhancement fee for new construction created this year is .75% for police and general government.

Ms. Frederick also reported that when the Teamsters contract was approved, \$197,000 was needed, which Council approved for year one (FY18-19). An additional \$160,222 is needed for FY 19-20.

Chief Brown commented that the civilian salary line item is over budget because they are down a dispatcher and have been paying a lot of overtime for current full-time dispatchers and having to bring in more part-time help.

Ms. Frederick clarified that by Chief adding another full-time dispatcher will result in a substantial decrease in overtime, as well as part-time salaries, as that will no longer be required; Chief Brown agreed that was one of the reasons he asked for two more full-time dispatchers.

It was confirmed that the \$50,000 budgeted in legal expenses will pay two \$25,000 deductibles required for two law suits. Ms. Frederick noted the current budget projection includes legal expenses related to the Teamsters contract negotiated over the past year.

Councilman James expressed concern that once the two deductibles are paid, there is nothing left to pay the department's labor attorney, who is contacted intermittently throughout the year. When asked if the \$25,000 deductible has been paid for the latest suit, Chief Brown stated that it has not and it usually takes more than a year or two to come to a final settlement.

Ms. Frederick also referenced the new holiday sellback line item which is a new item added to the Teamsters contract. Because of the related accrued financial liability on the books for the police, they agreed to sell back up to two weeks per year. As a result, two officers took advantage of that this year which is reflected as \$3,630.

She also called attention to the new line entitled sick and vacation payout, which is also related to the accrued financial liability that has not been budgeted in the past. Those items are paid at the time an employee resigns/retires, etc., as indicated.

Chief Brown shared that this year, they are required to purchase new vehicle sensors at a cost of \$11,000; Ms. Frederick confirmed that was not included with vehicle expenses. That line item ranges from \$28,000 to \$39,000 and budget will be adjusted accordingly.

Ms. Frederick explained that the new citywide fuel system requires each car to have a donut ring/sensor kit.

She also added that garage labor across the board will increase due to increases in that budget. It is funded through interservice billings from each department who utilize it. That will be discussed during the garage budget discussion by Public Works Director Whitfield tomorrow evening.

Councilmember Wilson confirmed there is nothing in the proposed budget that reflects any fees related to the new police facility, including the marketing firm hired to promote the referendum nor the engineering/architectural work.

Mr. Norenberg explained the engineering work was paid for this current year. After July 1<sup>st</sup>, he will know whether any State funding will be awarded. However, he and Chief Brown continue to work on the cost estimate of the project. Once he receives those numbers, they will meet with the Finance Director to talk about funding options. The building would then be constructed in the following fiscal year.

Ms. Frederick recalled Council authorizing appropriations out of the general fund reserves in the current year.

Mayor Campbell expressed concern about the air conditioning problems and the heat-related issues in the building. Chief Brown said that when he found out what the estimate was, he decided to hold off, grin and bear it for a while. Mayor pointed out that extremely hot summer weather has not yet arrived and he has concerns. Chief Brown asked if the Mayor wants to spend a couple hundred thousand dollars on a building they will be moving out of in a couple years.

Mayor Campbell asked that something be done because he is very concerned about the health of employees working in a ninety-plus degree building.

Councilmember Wilson asked that portable units be considered; Chief Brown said he believes he has already received prices on them.

Ms. Frederick said that completes the Police Department budget review.

*Planning Department  
Page 4B-1 & 4B-2*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Contract Services</i>	<i>0</i>	<i>0</i>	<i>25,000</i>
<i>Legal Services</i>	<i>15,000</i>	<i>15,620</i>	<i>20,000</i>
<i>Building Maintenance- Transfer to Public Works</i>	<i>0</i>	<i>0</i>	<i>5,295</i>

Planning Director Rob Pierce was present to review his budget.

*Contract Services increase-Zoning Code update; proposal has been received.  
Legal Service increase-uptrend of land development and other code rewrites including sign ordinance.  
Transfer to Public Works-portion of building maintenance paid by each department using that facility.*

Mayor Campbell recommends Planning Commission and Board of Adjustment members receive some pay. Mr. Norenberg polled those officials attending a League of Local Government meeting which resulted in about half those present who paid those boards and the other half did not. The City Clerk is also surveying other municipalities.

Councilmember James also supports their pay considering the amount of work those commissioners and board members do. Councilmember Wilson agreed as well emphasizing the importance of their recommendations which is heavily relied on by City Council.

Mr. Norenberg will work with the City Clerk to determine how that can be accomplished.

When asked about vehicles, Mr. Pierce explained that planning budget includes himself and half of the Permit Technician. No City vehicles are associated with that department.

City Manager Norenberg explained that they are in the process of working on a policy related to the use of personal vehicles and mileage reimbursement for City business. However, the City has some pooled vehicles that can be used for business trips and/or City errands. It was agreed that mileage reimbursement through the use of personal vehicles would be the quickest and easiest method at this point.

Councilman James feels this is a good time to determine whether a car allowance or mileage reimbursement is more economical.

*Code Enforcement and Inspections  
Page 8-9*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Contract Services</i>	<i>0</i>	<i>49,300</i>	<i>35,000</i>
<i>Demolitions</i>	<i>0</i>	<i>17,955</i>	<i>0</i>
<i>Capital Vehicle</i>	<i>0</i>	<i>23,792</i>	<i>32,000</i>

*Contract services decrease-New Code Official hired; third party contractor only utilized when necessary.  
Demolitions-funding requested at time of need due to fluctuation in demo costs.*

Mr. Pierce stated he previously contracted a third-party inspector after the departure of the City's Building Inspector. A new Building Official was hired this past November. However, there has been a tremendous increase in permits and plan reviews, monitoring and review of related documents. He is asking the contract be renewed for the new fiscal year to take some of the burden off his staff. They would only be used when needed over the next fiscal year.

He explained that Code Officials primarily focused on dilapidated buildings, high grass, abandoned vehicles, etc. They are also now overseeing the rental inspection program that was previously handled by First State Inspections.

When asked why nothing was included for demolitions, the Planning Director confirmed that over the past couple of years, five buildings were demolished voluntarily. They are presently working on a list of fifteen or so vacant homes that have been sitting for a long time and are working with those property owners to remove them.

Should the situation not be worked out, Mr. Pierce will come back to Council to have an appropriation authorized. This allows Council to be aware of situations prior to the demo occurring. When that occurs, a lien is placed on the property until such time the property is sold.

The rental process was also discussed.

Property maintenance remains at \$16,000. That line item handles grass cutting, rubbish cleanup, bamboo removal, etc. While the associated bills are paid at the time, those expenses are eventually transferred to the Finance Department and added to the property taxes.

Ms. Frederick added there is a related line item under revenue which balances the two items out.

Mr. Pierce confirmed they hire outside contractors to cut grass.

Mayor Campbell then talked about the problems related to violations and due process, the court system and the time that lapses which escalates the problem.

Mr. Pierce noted that he had a replacement vehicle budgeted beginning in 2017 and only replaced it this year, which is why it is showing up in 2019. The request this year is to replace a 2006 vehicle.

He also requested \$200,000 for open space acquisition. Mr. Pierce said that the 2008 Comprehensive Plan required and creates more green space throughout the community though that has never been addressed. DMI has put a task force together, related to the Vinyard Shipyard, which was identified in the 2015 City Master Plan.

Mr. Pierce said Council may want to purchase some properties along the river over time, as opposed to waiting and purchasing them all at one time.

Councilman Marabello recalled that in 2008-2009, the City had a green-acres fund. At that time, \$100,000 was put away each year in case the State offered matching funds should green areas become open. Before the former Parks and Recreation Director retired, he used the fund for Goat Island. He thinks it is a great idea and feels we should be proactive in acquiring lands, especially if there are matching funds available.

Councilmember Peel agreed adding that could impact the future plans for the Riverwalk.

Mr. Norenberg pointed out that the City has a lot of small parcels and partial parcels and our Parks and Recreation crews struggle to maintain those properties, particularly this time of the year. He agrees we also have more buildings than we need such as the old Peninsula Oil building that was used by Park maintenance at one time.

When talking about operating more efficiently, there is a need to reduce the amount of City assets that are not contributing to the City or benefiting our employees. Should that occur, we would be able to focus some money, time and attention on acquisitions like Councilman Marabello and Mr. Pierce talked about.

The sale moneys from the business park and Independence Common properties are put in the economic development fund which could be a way to generate funds for possible acquisition of lands for open space.

Mr. Norenberg recommends this be presented for review by the Community and Economic Development Committee at a future meeting.

*Parks and Recreation Department  
Page 12-13*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Salaries</i>	<i>323,670</i>	<i>282,500</i>	<i>335,080</i>
<i>Requested New Hire</i>	<i>0</i>	<i>0</i>	<i>34,430</i>
<i>Temporary Wages</i>	<i>120,000</i>	<i>115,500</i>	<i>100,000</i>
<i>Boys &amp; Girls Club Rental</i>	<i>33,000</i>	<i>18,750</i>	<i>18,750</i>
<i>Cemetery Wages</i>	<i>55,000</i>	<i>55,000</i>	<i>0</i>
<i>Capital Equipment</i>	<i>49,000</i>	<i>28,713</i>	<i>72,000</i>
<i>Capital Parks</i>	<i>55,000</i>	<i>25,000</i>	<i>120,000</i>

*Salaries-projected number low due to two vacant positions for majority of fiscal year; budgeted amount includes all salaries (minus new hire).*

*Requested New Hire-new field position requested.*

*Temporary Wages-attempting to reduce costs.*

*Boys & Girls Club Rental-restructured contract which resulted in a decrease in costs.*

*Cemetery Wages-temporary crew no longer needed; private contractor hired.*

*Capital Equipment increase-two attachment for Ventrac tractor; Kubota tractor; portable lights/soccer fields.*

*Capital Parks-additional funding/resurfacing SE Front Street and Banneker basketball courts; separation and installation of Armory utilities; Armory parking lot improvements as a result.*

Parks and Recreation Director Brad Dennehy reviewed the budget explaining that for several years, they have had a staffing shortage. Currently he has one full-time park employee and one full-time recreation employee. He has two vacancies and tried hiring a Recreational Supervisor, who unfortunately did not last three months due to the amount of work that is needed.

The one recreation employee is working approximately sixty hours per work. He wants to restructure the department as a result. Mr. Dennehy then explained the multitude of duties his park employee was handling. He wants to take a lot of the field work away from him and assign him solely to the park area.

As a result, he is asking for \$32,430 to hire an entry-level field position.

Mr. Dennehy said he constantly sees new positions in other departments like the Police, Public Works and Customer Service, and his department has not added any additional positions in many years. He pointed out this is a small department with a hands-on director who assists with gardening, ground work, trash maintenance, etc., though he is happy to do that.

He also recommends looking at all departments Citywide. He asked that Council to consider the growth that has occurred and impacts every department.

Mr. Dennehy also asked Council to consider the Strategic Plan which he does not believe can be accomplished without his department acquiring more help.

His department oversees two cemeteries for a total of 26 acres which is problematic, never-ending maintenance. When the mowing is completed, it needs to be started all over again.

Mr. Dennehy explained when Parks and Recreation was delegated the maintenance of the cemeteries, the plan was that when a lot is sold, those funds would pay for the maintenance. The \$55,000 previously budgeted to cover temporary labor hired by Parks and Recreation though the Milford Community Cemetery were used to cover those costs.

They have tried for the past few years to hire a private contractor unsuccessfully. This year, they have acquired a contractor and his bills are being paid directly through the Community Cemetery.

Parks and Recreation still oversees it, but right now does not need the temporary crew for that purpose.

The projected salary for FY18-19 is low because a supervisor was hired and left after a few months. That position has not been filled. There is also another vacancy that has not been filled for approximately two months. The \$335,080 includes filling the vacant positions and the additional hire for \$32,430.

Ms. Frederick confirmed that contract services include Comcast (internet), Mid-Atlantic Services (park bathrooms and supplies), Seascope Health Services (pre-employment, random drug testing), Brothers Pyrotechnics (fireworks), etc.

All other items remain about the same.

Councilman James pointed out that Mr. Dennehy is cutting temp services and asked if one additional employee will satisfy his needs. Mr. Dennehy said he is well aware of the fiscal responsibility as a department head. He could always use more employees but also noted there are two open positions. If the new hire is approved, he can restructure the recreation area, and shift some responsibilities to parks. The three positions will help and he is willing to re-evaluate at some point in the future.

He stated the one major challenge for his department is not having its own community center. Because of that, he has to depend on the schools and Boys and Girls Club. Milford School District is also suffering because of the lack of facilities for their use.

After explaining his capital needs, Mr. Dennehy spoke about the \$474,000 requested for the Riverwalk Extension. He reiterated that is not funded at the moment and not a necessity capital item, though he wanted to bring it to Council's attention. He referenced the section of the Riverwalk that extends from Bicentennial into Memorial Park and stops at Calvary Church. There is a possibility Sudler and Joan Lofland will grant the City an easement to continue the Riverwalk in front of their property, where their boat ramp is located. That would allow a tie in of the remainder of the Riverwalk which has been on hold for many years and is the last key piece.

The estimated \$474,000 is for design and construction. He has already submitted a grant application through the State of Delaware and there is a chance they will fund up to 50% or \$237,000. If the City funded \$100,000, then he would need to come up with another \$100,000 and feels the City could pursue that through our local legislators.

It will be discussed by the State the end of this week, though they are aware the easements are not in place.

Councilman James commented that the Riverwalk is very beautiful and it has never made sense why it did not connect completely.

Ms. Frederick explained that the budget presented is balanced. If Council approves the \$237,000, an appropriate funding source will need to be determined, which is the reason it was added to the list and not included in the current budget.

Mayor Campbell also presented some recommendations for the dog park to be considered. Mr. Dennehy followed with a summary of the challenges and solutions, which are currently being explored.

It was confirmed there are no current plans for a public bathroom on the Riverwalk, though it has been discussed. Funding and security remain problems.

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	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>

*City Administration*  
*City Clerk*  
*HR*  
Page 8-9

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Salaries</i>	<i>355,080</i>	<i>375,505</i>	<i>397,820</i>
<i>Temporary Wages</i>	<i>0</i>	<i>0</i>	<i>7,970</i>
<i>Contract Services-Staffing Study</i>	<i>0</i>	<i>0</i>	<i>20,000</i>
<i>Training</i>	<i>3,200</i>	<i>4,000</i>	<i>4,500</i>
<i>Computers</i>	<i>0</i>	<i>0</i>	<i>3,700</i>
<i>City Hall Cost Allocation</i>	<i>8,000</i>	<i>8,000</i>	<i>19,250</i>

*Salary increase-a portion of the City Clerk’s salary was previously budgeted under Council; it is now included as part of her salary.*

*Temporary Wages added-Summer Intern hired to work on Records Management and Archiving.*

*Contract Services Staffing study added-recommendation of Council to ensure needs are being met in terms of growth.*

*Training increase-based upcoming location of professional development sites for the four Administrative Employees.*

*Computers increase-replacement needed as determined by IT Manager.*

*City Hall Cost Allocation increase-doubled as a result of the Planning and Code/Inspections Departments moving to Public Works.*

The City Clerk has a Delaware Tech student working over the summer to address the City record and document needs.

The one item not included in the current budget is an Administrative Assistant that the City Clerk has requested. Mr. Norenberg said he understands the needs and sees the number of hours and work being done by the City Clerk and Deputy City Clerk.

Ms. Hudson talked about the increase in work load as a result of the growth that has occurred over the past few years and the ten to twelve-hour days needed to keep up with just the basic duties. She noted there is need to update the election process, records work, ordinances, just to name a few items that need her attention.

Councilman James expressed concern about the starting salary and whether that would buy the quality of work needed for the position. Human Resources Manager Jamesha Eaddy was present. She pointed out the administrative assistant is a great buy right now. She also noted that we have not yet defined the functions of that position, but she is willing to review that in comparison to the volume of an administrative assistance in other departments.

Councilman James wants to make sure someone will be hired with the qualities of what is really needed and not just fill the position in an effort to relieve the City Clerk and Deputy City Clerk.

Mr. Norenberg explained that when he was hired, Ms. Crouch was already Deputy City Clerk/Executive Assistant adding that she provides assistance to him as well. However, he sees the piles of documents she is involved in and often decides to wait until the following day to ask her to do something or often does it himself.

He agrees there is a demand and need for help adding that Ms. Hudson is now on the Board of the International Institute of Municipal Clerks and Ms. Crouch is President of the State Chapter. As a result, they are very involved in their professions, which involves additional activities, and is beneficial to the City.

Councilman James emphasized it is essential to hire what is needed and not to settle.

Council confirmed that Ms. Hudson will participate in writing the job description; Ms. Eaddy said that once the job description is created, we can move forward with publishing the notice. She noted that the City received over 200 applicants for the Public Works' Administrative Assistant. Right now, the qualifications are unknown until it is written.

Mayor Campbell said he is here three and four days a week and they both work non-stop. Council agreed that they receive emails from the City Clerk at all hours of the night.

City Manager Norenberg then discussed the budget reflects a 2% increase in base pay for non-union employees, as well as funding for a step increase for those employees receiving successful performances at either meets or exceeds. That could be as high as 3.5% increase.

Mayor Campbell expressed concern that last year, all non-union employees only received a 1.5% cost of living. Indirectly, they did not receive a raise. When the salary study was done, a lot of the management employees received between 8% increases and higher on top of 1.5%. Anyone not included only received a 1.5%. He still does not think the study was fair nor the way the select increases were given.

Councilmember Peel feels the cost of living is a raise and there are times employees gets nothing, which is what happened to the State employees. She added that the cost of living increase on the State level was frozen for years and no one received it.

Mayor Campbell stressed that he feels we are penalizing City employees who are not part of a union.

Councilmember Peel said Council has talked about the pay study ad nauseam and the past cannot be changed.

A long discussion followed regarding private versus government employees increases and the most recent pay study.

Ms. Frederick recalled that last year, the 1.5% was given because that is what the IBEW was given.

Mayor Campbell said he feels that each department head should be given an amount that can be split among their employees.

Councilmember Peel and Wilson both stated that is what is being done.

Ms. Eaddy then explained the new evaluation system emphasizing those employees who meet or exceed what is expected of them, will receive an additional increase.

According to Mr. Norenberg, the consultants were informed by many of our employees that they did not feel motivated when everyone received the same increase. Also, this year, the City is giving safety recognition and special performance recognition for individuals or teams.

Mr. Norenberg explained that the performance appraisal document is completed by both the employee and their immediate supervisor. The supervisor will review that performance and make the recommendation to implement the 1.5%. Ms. Eaddy said that is then forwarded to her adding there are multiple layers to the process.

Ms. Frederick shared that the step increase is based on the annual evaluation which is given at the time of their anniversary date and given throughout the year. However, most people were hired in July and August after the budgets were approved.

On July 1<sup>st</sup>, all non-union employees will receive the overall 2%. On their anniversary date, employees will be eligible for the 1.5% based on their performance evaluation.

Mayor Campbell and Councilman James asked how that works during the first year of implementation.

Mr. Norenberg explained that in the first quarter of the fiscal year from July-August-September, the vast majority of non-union employees were hired. Another segment was hired in October-November-December. All but seventeen non-union employees were hired in the first six months of the fiscal year. The other seventeen have anniversaries between January 1<sup>st</sup> and June 30<sup>th</sup>, with the majority in March-April-May. Those seventeen employees will have their evaluations done in the next week or so. They will be eligible to get their step increase at the start of the new fiscal year, rather than having to wait until June 2020. Almost everyone else will have their increases in the first three months of the fiscal year.

It was budgeted in that manner after considering seven different options.

Councilman Boyle asked for confirmation that an assistant will be hired for the City Clerk. Council stated yes and Ms. Frederick explained that will be determined tomorrow night because presently that is not part of the balanced budget and funding will need to be appropriated.

*Finance*  
*Page 6A-6B*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Tax Assessor</i>	<i>16,100</i>	<i>21,700</i>	<i>32,000</i>
<i>Training</i>	<i>9,000</i>	<i>6,500</i>	<i>9,000</i>
<i>Office Furniture</i>	<i>0</i>	<i>0</i>	<i>3,500</i>

*Tax Assessor increase-result of new construction and improvements resulting in more assessment needs.*  
*Training-training was postponed this year; once a new program is selected, training will resume as normal.*  
*Office Furniture-replacement desks are needed.*

Ms. Frederick reported very little changes. However, it does transfer Ms. Frederick's salary to Customer Service as she is physically moving there once the budget is complete to oversee the implementation of policy and procedures.

They have advertised to backfill her position in the Finance Department, which is included in the budget.

When questioned, she explained the City has a policy that allows employees to sell back one week of vacation after five years of employment. That is determined in January so it can be budgeted in the new fiscal year.

When asked about assessment costs, she explained that Tyler Technology manages interim tax matters on a quarterly basis. The increase is a result of continuing new construction and associated assessment needs. Next year, it was agreed that Tyler Technology would do this monthly versus quarterly because Customer Service staff can no longer keep up with interim bills which has increased from an average of 30 to 120 each quarter. This will allow them to get the interim bills out more quickly, thus the City receive those revenues faster.

When asked about the Finance Director, Ms. Frederick explained he is fully budgeted at seven full months, followed by a part-time status and elimination of benefits. Mr. Norenberg reported that though Mr. Portmann is winding down, he wants to ensure he leaves us with a good team and in good shape.

In addition, the finance and billing software will need to be replaced over the next year, though that process has already started.

When asked about overlap, Ms. Frederick explained the roles of the current staff members, in addition to the new person that will be hired. She does not believe the plan is to hire another person once he is gone. Instead, the four employees

will assume his responsibilities. They are already in the process of learning what Mr. Portmann does and as he slowly cuts back his hours, they are taking on more of those duties.

Councilman James stressed the need for a Finance Director and does not recommend a committee of four and hopes that one of the four will fill those shoes.

She then addressed the \$9,000 budgeted for training over the last four years though only \$6,500 was spent this year. No one was sent to the software training due to anticipated vendor changes this upcoming year. The full budget will most likely be used in the new fiscal year as that includes GFOA Conference and other government accounting and financial training that will be needed.

In addition, a new line item was added for office furniture. The current desks in the department were purchased at the time it was built and several are held together with duct tape. An exact price has not yet been obtained.

*Customer Service  
Page 30-31*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Salaries</i>	<i>338,730</i>	<i>343,129</i>	<i>493,160</i>
<i>Credit Card Fees</i>	<i>60,000</i>	<i>65,000</i>	<i>70,000</i>
<i>Capital-Building</i>	<i>20,000</i>	<i>16,675</i>	<i>32,000</i>
<i>Capital-Equipment</i>	<i>0</i>	<i>0</i>	<i>15,000</i>
<i>Capital-Vehicle</i>	<i>0</i>	<i>0</i>	<i>32,000</i>

*Salary increase-two new hires previously approved by City Council.*

Ms. Frederick reported on behalf of customer service.

She said that the first new customer service employee will begin June 17<sup>th</sup>. Seven interviews are scheduled for the second position. Associated benefits line items have been increased as a result.

Meter technicians were previously budgeted out of customer service; a new tech services division was created and will fall under the responsibility of the new Electric Superintendent. Several line items have been reduced as a result of the change.

Contract services includes cleaning, cable, first aid supplies, etc. The department runs bills and outsources the printing and mailing to Pinnacle (separate line item) which results in a significant savings.

A large number of customers pay utility bills by credit card; a line item is associated with those fees that are charged.

Property taxes must be paid in full and the property owner pays that transaction fee.

Ms. Frederick reported that customer service is in another older building that needs a lot of work. The basement needs waterproofing, the drive thru curb is crumbling and additional workspace and electric is needed. It was noted that there was not a lot of exterior and infrastructure work done at the time the building was renovated.

Last year, the windows had to be sealed after they began to leak each time it rained.

The \$15,000 is for two new workstations to accommodate the two new employees.

The vehicle line item was added for the purpose of replacing the 2006 Dodge Stratus currently used by customer service employees for daily trips to the post office and bank(s).

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Software Maintenance</i>	<i>145,000</i>	<i>115,000</i>	<i>129,000</i>
<i>Capital Equipment</i>	<i>49,000</i>	<i>47,727</i>	<i>48,500</i>

*Budget includes cost of one full-time and one part-time employee.*

*Software maintenance decrease-includes a non-occurring credit for payroll software that was unable to be utilized. Also includes the cost for a new software program (started this year) that backs up email server.*

*IT is exploring a more user-friendly citywide software program; the cost will be a long-term cost savings with a reduction of servers required.*

*Capital equipment includes three replacement servers and four new firewalls.*

*City Hall Cost Allocation*

*Page 5*

	<i>Budget FY18-19</i>	<i>Projected FY18-19</i>	<i>Budget FY19-20</i>
<i>Building Maintenance</i>	<i>5,000</i>	<i>47,500</i>	<i>3,000</i>
<i>Interservice Billing:</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Administration</i>	<i>8,000</i>	<i>8,000</i>	<i>19,250</i>
<i>City Council</i>	<i>16,000</i>	<i>16,000</i>	<i>19,250</i>
<i>IT</i>	<i>5,800</i>	<i>5,800</i>	<i>7,000</i>

*Building Maintenance increase-basement flooding matter; \$40,000 funded from Capital Reserves as previously approved.*

Ms. Frederick explained the substantial increase in allocation costs is a result of the relocation of the Planning and Code/Inspections.

*City Council Discussion and Wrap-up – Night One*

Councilman James asked that the Council salary issue be resolved while in budget hearings, though it should have minimal financial impact.

The consensus of Council was it be paid in accordance with the language in the Code. Further discussion on the matter will follow tomorrow evening.

*Adjournment*

The Council Meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 4, 2019

A meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, Delaware on Tuesday, June 4, 2019, to discuss the proposed Fiscal Year 2019-2020 City of Milford Budget.

PRESIDING: Mayor Arthur Campbell

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

STAFF: City Manager Eric Norenberg, City Clerk/Recorder Terri Hudson and City Accountant Suzannah Frederick

*Call to Order*

Mayor Campbell called the Council Meeting/Budget Hearing to order at 5:09 p.m.

Public Works Director Mark Whitfield and several staff members were present.

*Continued Review and Discussion of Proposed City of Milford FY 2019-2020 Budget*

Enterprise Funds:

Public Works

- Streets and Grounds
- Water
- Wastewater
- Solid Waste
- Electric
- Technical Services
- Public Works
- Garage

Public Works Director Whitfield handed out a new organization chart (see packet) stating that he has diversified the department over the past three years. He said that means he does not have personnel pigeonholed in electric, water or sewer and has promoted four employees to supervisors that now work in more than one department. The electric superintendent will continue to oversee that department and the city engineer position remains vacant though two engineering techs have been hired.

He then reviewed the duties of each employee in the public works department.

In addition to the city engineer position, the administrative assistant position approved by City Council is also vacant. Interviews have been scheduled for the vacated electric groundsman position.

Significant budget items discussed during budget meeting are noted.

*Streets and Grounds Division*

*Page 10*

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Training	3,000	1,000	3,000

Salaries	234,520	190,000	199,900
Temporary Wages	1,000	21,800*	1,000
Maintenance/Repair Vehicle Labor	22,000	20,000	25,000
Environmental Compliance	0	0	15,000
Street Signs & Markers	10,000	6,580	35,000
Storm sewers & drain	10,000	3,780	10,000
Street/Road Materials	30,000	20,000	30,000
Sidewalks & Curbs	50,000	11,085	50,000
Streetlights	92,000	76,900	92,000

*Wages and salaries decrease-reallocation of personnel from streets into other departments.*

*Temporary wages increase-due to large number of vacancies.*

*Training-majority of training at no cost; LTAP training minimal.*

*Vehicle labor-garage expenses.*

*Environmental compliance added-dispose of sweepings properly in a landfill (testing performed).*

*Storm sewers and drain increased to qualify for future MS4 community compliance.*

*Street signs and markers increased as a result of parking identification needs outlined in parking study.*

*Street/toad materials remains at average 4-5-year budgets-based on snow and ice control and intermittent roadway patching and crack sealing.*

*Sidewalks & curbs-predominantly curb work on resurfaced/rehabilitated streets; work not completed in FY18-19.*

*Streetlights-cost of streetlight power.*

*Capital equipment increased-flair mower.*

*Capital streets increased-sidewalk project.*

*Southeast Street-curb and sidewalks will be paid by City; Handicapped sidewalks paid by State.*

*Water Division*

*Page 15-16-17*

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Revenues:			
Kent County Cost Adjustment			
Expenses:			
Temporary Wages	0	0	10,000
Surface Restoration	15,000	53,000	60,000
Maintenance Vehicle Labor	12,000	10,000	15,000
Cellphones	4,000	3,400	5,000
Sidewalks	0	0	40,000
Water Meters	60,000	30,000	60,000
Transfer to Tech Services	0	0	167,159

*Kent County Cost Adjustment-Treatment Rate increase 10%; offset in budget with same number (first increase since 2006—pass thru);*

*Temp wages-transferred to P&R this past year; one seasonal employee will handle water, sewer and electric facilities. Also includes the cost of a Delaware Rural Water Intern.*

*Surface restoration-street pavement patches due to water line installation/repairs.*

*Maintenance/Repair Vehicle Labor-garage expense increases.*

*Cellphones increase-due to additional supervisory employees.*

*Sidewalk increase-damages caused by city water line or meter pit damage.*

*Water meters-updates are required as a result of changeover to Smart Metering; additional meters must be kept in stock as replacements.*

*Interdepartmental transfer to tech services added-25% of that total tech services budget.*

*Wastewater Division*

*Page 18-19*

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Salaries	145,663	163,233	188,780
Overtime	15,875	4,535	15,875
Temporary Wages	0	0	10,000
Wastewater Treatment	1,850,000	1,730,915	2,035,000
Wastewater Treatment I&I	475,000	954,140	1,000,000
Sidewalks	0	0	1,000
Transfer to Tech Services	0	0	167,159

*Temporary Wages includes an eight-month employee who provides grass cutting services at sewer facilities and Delaware Rural Water Inter.*

*I&I Increase-expenses doubled this past year due to abnormally wet year; work continues to identify problem areas.*

*Salaries-increased due to more employees; overtime budgeted on past experience only and call outs anticipated.*

*Sidewalk added as a result of Sidewalk Repair Program/City responsibilities.*

*Interdepartmental transfer to tech services added-25% of that total tech services budget.*

*Solid Waste*

*Page 20-21-22*

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Contact Services	17,500	21,250	38,000
Trash & Recycling Containers	60,750	56,550	38,500
Transfer to Billing Dept	123,821	114,221	159,979

Mr. Norenberg reported there is no reserve money in this enterprise account. The business model needs to be reviewed and a determination made on whether to continue with the City providing this service or figuring out how to fund it moving forward. Replacement vehicles are \$250,000 and money is needed in an account to replace an eight-year old refuse truck.

The oldest refuse truck is 2011 and the transmission needs to be replaced at a cost of \$30,000. Two fairly new vehicles complete the fleet, but when one goes down, a rear loader is used which requires two to three people.

The new side loader trash truck covers 85% of the City, which is more efficient and does a much faster job.

Projected revenue includes between 175 and 200 new homes.

In 2015, there were six full-time employees in solid waste. That has been reduced to four full-time employees with the addition of the side loader.

*Contract services increase-eliminating dumpster business and contracting to a private contractor, whose services are much safer and more cost efficient.*

*Trash and recycling decrease-trash containers have been slowly replaced over the past few years. At this point, the number of containers can be reduced due to this effort.*

Recycling was then discussed at length.

*Transfer to billing increase-Costs of two new Billing Clerks which is paid by the various enterprise accounts.*

*Capital Vehicle-\$360,000 cost to replace the 2011 rear loader trash truck (previously discussed). Recommendation is to purchase truck now and spreading cost over the next three years from a reserve to pay for it.*

Mr. Whitfield explained that to fund the truck over three years, \$120,000 will be needed. In addition, \$169,000 is needed to balance the budget for solid waste, which includes the \$120,000 which equals a \$3.85 rate increase. Approximately \$1.10 is necessary without the truck purchase.

Solid waste is also included in the cost of service study to aid in the development of a depreciation fund for future vehicle replacement and to ensure that fair rates are established.

The City has approximately 4,500 trash customers, though that number does not include the anticipated number of new customers over the next year.

Ms. Frederick explained that the I&I increase needs to be \$1.15 and solid waste would increase from \$25 to \$28.85, with the Kent County fee. However, that is based on the customer's usage and weather conditions.

Councilman James then discussed rates and accumulation of reserves and whether those funds should be used more frequently to prevent other rate increases.

It was noted there is a large number of the more than 8,000 electric customers who live outside City limits. Hypothetically, paying for a trash truck out of electric funds is a tax on non-solid waste customers/non-residents who are paying for solid waste services that benefit the residents of the City of Milford.

Councilman Culotta said those residents are more than welcome to annex into the City and then they would have City trash services. Though he understands the point, that is a windfall the City has.

It was also noted there is a \$2.5 million transfer out of electric funds into the general fund to balance the budget every year.

Council agreed the City is running budget surpluses on a consistent basis. Councilman James suggested it be looked at carefully before a fee is increased to satisfy another need. He agrees that solid waste is the enterprise that has always needed help.

Councilman Boyle pointed out that until a policy is in place on how to handle reserve funds, the risk of taking money from different accounts will lose accountability in the big sense. Council agreed.

Ms. Frederick explained that they have begun working on the reserve policies. However, they need the cost of service study completed to ensure accuracy. Once that is completed, they will use those recommendations in the policy relating to fund balances, capital assessment replacement plan, etc.

Councilman James warned Council that there are some unknowns out there so there is a need to be very careful as we review the budget and taking any related action.

It was noted that the only rate adjustment proposed is in the solid waste area, in addition to approving a major piece of equipment the City does not have adequate funds for. Council has a choice not to raise rates to pay for the truck, and take the money from another fund not dedicated for solid waste. In the meantime, an understanding of what that impact would have on the other fund for future projects and capital equipment purchases is needed.

Councilman Boyle asked if we can defer the purchase of the truck until we have the results of the study, create the policy and then begin to allocate money for these items. He agrees that money can be moved around though we lose visibility on how it will impact future budgets and use reserve funds.

Mr. Whitfield commented that the current truck could last three or six months, though there is an immediate need to replace a \$30,000 transmission, which Mr. Whitfield does not recommend and Council agreed.

It was determined a \$1.10 rate increase is needed to balance the solid waste budget, not including the truck. The Kent County I&I is the pass thru that is based on individual usage.

Councilman Morrow has no problem with that, stating the fee we pay for trash collection is still a great deal.

Mr. Norenberg confirmed the \$2.5 million transferred from electric reserves into the general fund was capped in 2012 by City Council. However, that agreement was with Governor Jack Markell and expired at the end of his term. Council does have the discretion to increase that transfer.

The consensus of City Council is to increase the rate by \$1.10 until the study is complete and policies created. After that, we can proceed with the truck purchase.

*Electric*  
*Page 24-25-26*

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Revenue:			
Service Billing	24,900,000	25,000,000	25,500,000
Expenses:			
Salaries	888,830	870,000	661,197
Temporary Wages	0	0	10,000
Contract Services	40,000	20,000	40,000
Transfer to Tech Services	0	0	334,318
Transfer to Public Works	192,836	192,836	349,469
Smart Metering	30,000	84,774	TECH SERVICES

Meters	45,000	15,000	TECH SERVICES
Sidewalks	0	0	20,000
Distribution Lines	350,000	200,000	350,000
Training	36,000	14,000	30,000
Legal Expenses	25,000	460	50,000
Vegetation Control	75,000	83,250	85,000
SCADA	25,000	11,000	TECH SERVICES
Transfer to Technical Services	0	0	334,318
Transfer to Public Works	192,836	192,836	349,469
Transfer to Billing	454,009	460,807	586,588
Total Electric Emp Benefits	421,755	369,210	291,731
DEMEC	18,300,000	18,000,000	18,300,000

*Service billing increase-based on growth and new homes.*

*Salaries decrease-reallocation of technical services and operation manager moved to public works.*

*Temporary wages added-eight-month employee to grass mowing of electric facilities*

*Contract services increase-end of third year of last Cost of Services Study/Electric, resume study in December.*

*Two transfers balance increase/added due to new positions in public works.*

*Smart metering, metering and SCADA line items eliminated; moved to Tech Services*

*Sidewalks added-repairs to blocks damaged by electrical equipment.*

*Distribution line increase-previous time spent in new developments; distribution line replacements needed.*

*Training increased; new employee training; current employees moving into other positions and specialized training planned.*

*Legal expenses increase-IBEW contract year.*

*Vegetation control increase-additional tree trimming needs; consideration for in-house arborist.*

*Transfer to Technical Services (new) and Public Works increase-reallocation of employees.*

*Transfer to Billing Department increase-result of two new Customer Services employees.*

*Employee Benefits decrease-result of reallocation of employees.*

Mr. Whitfield recommends one flat electric rate and eliminating the summer rate. There is no longer a difference in the purchasing costs in the difference seasons, as was the case when it was created.

Analysis of wooden poles will be done and a replacement schedule created.

A tuition reimbursement plan was also discussed, as well as various avenues for no-cost training.

Technical Services (new)

Page 26A-26B

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Meters			75,000
Software Maintenance			130,700
Training			11,000
Building Maintenance- Transfer to Public Works			84,721
Capital Vehicles			64,000

Total Expenses	0	0	537,079
Total Employee Benefits	0	0	67,566
Total Interservice Billing	0	0	-668,635

*New budget created by moving three employees from electric into technical services.*

*Meter increase-anticipate of 175 to 200 new homes being constructed.*

*Software maintenance increase-AMP for new AMI system (\$11,000 per month).*

*Training increase-new meter reader job-related and specialized training.*

*Building Maintenance Transfer to Public Works increase-share of maintenance costs.*

*Capital Vehicle added-replaces two 2006 vehicles.*

Public Works

Page 27-28

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Salaries	399,970	344,105	501,650
Maintenance & Repair Building	14,200	26,000	16,800
Public Works Emp Benefits	153,335	122,250	214,696

*Salaries increase-reallocation of personnel (from electric and streets, additional administrative assistant).*

*Maintenance/Repair of Building decrease-new HVAC unit will not require maintenance that was needed in past.*

*Employee benefits increase-coincides with reallocation of employees to Public Works.*

Garage

Page 29

	Budget FY18-19	Projected FY18-19	Budget FY19-20
Maintenance/Repair Garage Vehicle	1,000	605	3,300
Maintenance/Repair Facility	2,000	400	8,500
Software Maintenance	0	0	12,375
Transfer to Public Works	69,422	69,393	52,951
Loan Payback Electric Reserves	0	0	10,000

*Maintenance and repair garage vehicle increase-replacement tires, new bed spray liner.*

*Maintenance and repair facility increase-relocate gas washer to wash bay.*

*Software maintenance added-new fuel system and firewall added.*

*Transfer to public works increase-reallocation of employees.*

*Loan Payback added-purchase of scanners for various vehicles.*

Capital Improvement Program

- Reserves
- Municipal Street Aid
- Real Estate Transfer Tax

Mr. Whitfield then reviewed the Capital Improvement Plan, noting that some of the items are in the current operating budget, and some will be considered at a later time.

<b>Enterprise Funds</b>	
<b>Electric</b>	<b>Equipment</b>
Electric	SCADA/Smart Metering Wall Monitor
Electric	Replace 2006 Vermeer Chipper (S-38)
Electric	Replace Fork Lift (No vehicle number listed)
<b>Water</b>	<b>Vehicles</b>
Electric	Replace 2005 Excursion with similar 4x4 vehicle (E-106)
Electric	Replace 2003 Vermeer 8550 Trencher (E-130)
Electric	Replace 2000 International Line Truck (E-110)
Electric	Replace 2005 Ford F-250 Pickup (E-115)
Electric	Replace 2003 International Material Handler (E-103)
<b>Electric</b>	<b>Projects</b>
Electric	DEL1 Substation Testing
Electric	DEL2 Substation Testing
Electric	Air Brake Switch
Electric	Traffic Signal Head Refurbishment - Church/Walnut/Washington
Electric	GIS/Mapping - Smart Metering
Electric	Riverwalk Light Pole Powdercoat/Retrofit Phase II
Electric	Riverwalk Light Pole Powdercoat/Retrofit Phase II
Electric	Wilbur Street Line Reconductor
	<b>Total Electric</b>
<b>Tech Service</b>	<b>VEHICLES</b>
Tech Service (MR)	Replace 2006 Chevy Colorado (B-2)
Tech Service (MR)	Replace 2006 Chevy Colorado (E-134)

<b>Water</b>	<b>Equipment</b>
Water	Electronic Variable Message Board
<b>Water</b>	<b>Vehicles</b>

Water	Replace W-1 Ford F-250 Pickup
Water	Replace S-5 Kod C70 Dump Truck
Water	Replace W-4 Ford Van (Electric)
Water	Replace S-9 GMC Dump (moved from Streets) with Hook truck
Water	Replace W-14 Chevy Astro Van
<b>Water</b>	<b>Infrastructure</b>
Water	Install Automated Blow-off Valves
Water	Install Automated Blow-off Valves
Water	Protection Upgrades Caulk & 10th Street Towers
Water	Water Tower Altitude Valve at Caulk Tower
<b>Water</b>	<b>Projects</b>
Water	Tenth St Water Treatment Facility Test Well, etc.
Water	Water Treatment Facility Monitoring and Process Control Upgrades (4&5)
Water	City-wide Valve & Hydrant Replacement/Improvements
Water	Standardized Water Treatment Facility Controls
Water	SE 2nd Street Lead Service Line Replacement
Water	Front Street Water Lines
	<b><i>FOR DISCUSSION PURPOSES - WILL COME BACK FOR APPROPRIATION</i></b>
Water	Replacement of Lead Water Service Lines

<b>Sanitary Sewers</b>	<b>Equipment</b>
Sewer	Electronic Variable Message Board
Sewer	Zoom Sewer Camera
<b>Sanitary Sewers</b>	<b>Vehicles</b>
Sewer	Replace SE-2 Ford F250 Pickup
Sewer	Replace Caterpillar Backhoe with Wheeled Loader
Sewer	Replace S-4 with Hook Truck with Dump/Flatbed & Plow
Sewer	Replace SE-13 Vermeer Pump Utility Trailer
<b>Sanitary Sewers</b>	<b>Projects</b>
Sewer	Truitt Avenue Pump Station Groundwater Investigation & Repair
Sewer	SCADA Instrumentation Upgrades & Integration
Sewer	Targeted Inflow and Infiltration Investigation & Repair
Sewer	SE 2nd Street Sewer Line Replacement
	<b><i>FOR DISCUSSION PURPOSES - WILL COME BACK FOR APPROPRIATION</i></b>

<b>Solid Waste</b>	<b>Vehicles</b>
Solid Waste	Replace Refuse Truck SW-12 with Split Body Collection Truck

<b>Public Works</b>	<b>Building</b>
Facilities	LED Lighting Upgrade & Replacement (all facilities)
Facilities	Key Card Access at Facility/Gates
Facilities	Repair, Patch and Repaint Walls
Facilities	HVAC - Upgrade & Repair
Facilities	Phase II - Breakroom/Locker Room Redesign
<b>Fleet Service (Garage)</b>	<b>Equipment</b>
Garage	Vehicle Diagnostic Scanners (2; 1 @ 19,000 and 1 @ 16,000)
Garage	Replace Fuel Pumps
Garage	Purchase Mobil Truck Lifts (REMOVED 6/3/19)
<b>Customer Service</b>	<b>Equipment</b>
Facilities	Customer Service Building Work Station
<b>Customer Service</b>	<b>Vehicles</b>
Customer Service	Replace 2006 Dodge Stratus (B-1)
<b>Customer Service</b>	<b>Projects - Customer Service</b>
Facilities	Customer Service Building Window Replacement
Facilities	Customer Service Building Drive-thru Curb
Facilities	Customer Service Building Basement Waterproofing

<b>General Fund</b>	
<b>Streets</b>	<b>Equipment</b>
Streets	Replace 1995 Aeri Crack Sealer (S-22)
Streets	Replace 2001 6500 Kubota Tractor with Flail Mower (S-30)
<b>Streets</b>	<b>Vehicles</b>
Streets	Replace 2005 Ford F250 PU w/plow & salt spreader (S-1)
<b>Streets</b>	<b>Projects</b>
Streets	West Street Curb and Sidewalk Project
Parking	NE Front Street Parking Lot Enhancements

Streets	Financing for Private Sidewalk Improvements
<b>Streets</b>	<b>Projects</b>
Streets	Street Resurfacing and Rehabilitation, ADA Ramps
Streets	Installation of ADA Compliant Ramps
Streets	Walnut Street Pedestrian Crossing (Landscaping)
	<b>Total Streets</b>
<b>City Hall</b>	<b>Building</b>
Facilities	Replace City Hall Exterior Doors
Facilities	Council Chambers Recording System Upgrade
Facilities	Monitors in Council Chambers
Facilities	City Hall Video Monitoring System Replacement

Mr. Whitfield confirmed that all equipment/vehicles is purchased through the State of Delaware Contract or National Joint Powers Alliance (NJPA) now called Sourcewell.

<b>Parks &amp; Recreation</b>	<b>Equipment</b>
Parks & Recreation	New Holland Loader Attachment
Parks & Recreation	Ventrac Tractor with Mulching Mower
Parks & Recreation	Kubota Zero Turn Mower (PR-35)
Parks & Recreation	Ventrac Tractor Attachments (V-Blade, Broom)
Parks & Recreation	Kubota B series Tractor
Parks & Recreation	Portable lighting for Soccer fields
<b>Parks &amp; Recreation</b>	<b>Vehicles</b>
Parks & Recreation	Ford F-350 Dual Cab Dump Truck (PR-3)
<b>Parks &amp; Recreation</b>	<b>Building</b>
Parks & Recreation	Armory Renovations for Workshop
<b>Parks &amp; Recreation</b>	<b>Parks</b>
Parks & Recreation	Riverwalk and Pedestrian Bridge Decking Painting
Parks & Recreation	Riverwalk Concrete Repairs
Parks & Recreation	Tony Silicato Memorial Park Electric Installation
Parks & Recreation	S Washington and SE Front Basketball Court Repairs
Parks & Recreation	Repaving of Parks and Recreation Parking Lot
Parks & Recreation	Amory paving
Parks & Recreation	Riverwalk Extension

<b>Planning</b>	<b>Vehicles</b>
Planning	Replace 2006 Chevy Colorado (M-3)
<b>Planning</b>	<b>Projects</b>

Planning	Open Space Acquisition
<b>Information</b>	<b>Equipment</b>
Information	Server Refresh (3 @ 9,000) and Firewall Boxes (4 @ 5,500)
Information	Server Refresh (3 @ 9,000) and Firewall Boxes (4 @ 5,500)
Information	Agenda Packet Viewing Software
<b>Police</b>	<b>Equipment</b>
Police	Safety Recording Lines
<b>Police</b>	<b>Vehicles</b>
Police	Police Vehicles (2 per year @ 90,000)
<b>Police</b>	<b>Building</b>
Police	Air Curtains Over Doorways
<b>Police</b>	<b>Projects</b>
Police	Police Station (Design/Engineering/Geotech)

Mr. Whitfield expects the report on the City Hall waterproofing project later this month and anticipates a project estimate of at least \$200,000.

He has also been informed that two bridges in the City will need to be replaced. One is on Maple Street and the other on Southwest Front Street. Both are eligible for federal aid which will pay approximately 80% of the estimated \$3 million replacement costs.

City Council

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	Budget FY18-19	Projected FY18-19	Budget FY19-20
Salaries-Meeting Transcription	14,000	0	0
Computer Expense	0	0	7,400
ADA Transition Plan	0	0	50,000
Armory	12,000	10,000	10,000
Citizen Survey	15,000	15,690	0
Election Salaries	8,000	3,205	6,000
Election Supplies	2,000	1,952	3,000
Milford Museum	30,500	30,500	30,500
Carlisle Fire Company	100,000	100,000	100,000
Downtown Milford Inc.	45,000	45,000	45,860
Milford Public Library	0	0	Request received
Kent Economic Partnership	30,000	30,000	30,000

*Meeting transcription moved to City Hall Administration salary line item.*

*Computer expenses increase-replacement shared laptops for City Council and Planning Commission; along with a new transcription laptop. The shared program would allow the Planning Commission to go paperless as well.*

*ADA Transition Plan added-City ADA Coordinator must be named, self-assessment done by a third party and a transition plan created (required since 1999).*

*Armory expense decreased-expenses continue to be reduced due to full-time tenant now using facility. Parking needs to be improved and grass cutting and snow removal continued.*

*City survey reduced-every other year item (completed in current fiscal year).*

Funding for the Kent Economic Partnership was discussed with Mr. Norenberg explaining the various ways they have indirectly helped the City through their website, marketing services, tradeshow exhibits, etc. Their Executive Director and the City Manager have met with several Milford businesses to discuss their challenges.

Councilman Boyle, who is Milford's Kent Economic Partnership board member, stated their economic development plan centers on DE Turf. They want a buildout and are looking in the area around Dover Air Force Base. Currently they are at the stage of developing a joint use agreement for use of their land.

It was agreed to provide funding for one more year because a lot of the past year was spent developing plans and making their organization and Central Delaware known to interested corporations.

Councilman James again asked that the Council salary matter continue to be reviewed. It believes it is a matter of interpretation and not a rewrite in relation to Council compensation per meeting versus per night.

Ms. Frederick explained that \$16,000 is based solely on Council wages. In the past, the City Clerk's compensation for transcription services was included. That was re-evaluated this past year and is now included in her regular salary in the administrative division budget. That is the reason it appears to have been decreased by \$6,000.

Mr. Norenberg assured Council their salary issue will be corrected by July 1<sup>st</sup> without a change to the ordinance.

#### *Carlisle Fire Company*

Councilman James recused himself due to his father-in-law and brother-in-law being active member of the Carlisle Fire Company.

Councilman Culotta wondered if Duane Fox came up with the large number based on their study of callouts that occur within the City of Milford and does not believe they expect to receive \$290,000.

Mr. Norenberg asked that Council to give him a number and he will work with the City Solicitor to work out an agreement. Council agreed that the City resume providing them with the same contribution that has been provided over the past several years, excluding 2019, in the amount of \$140,000.

Councilman James returned to the Council Chambers at the conclusion of the discussion.

Councilman Brooks left the meeting at this time.

Councilmember Peel asked that when each of the organizations the City provides funding to, present their report, it should focus more on the financial aspect as opposed to the events that are held throughout the year. She feels there is a need for the City to more closely monitor their numbers when we are paying them with taxpayers' money.

#### *Milford Public Library*

The services provided to Milford Public Library were then discussed.

Councilman Culotta agrees they can use the monies based on their programs and the reduction in recent donations. He pointed out they also own the LifeCycle building who pay rent. The spirit of purchasing that building was to get a small business started, get on their feet and then be able to move to a larger facility.

It was discussed that the library's financial projection included details confirming that over the past couple of years, they have had to subsidize their operations with reserve or savings that was left from the capital campaign. They are projecting that within the next two or so years, that account will be depleted and they will either have to scale back on programs or staffing.

Councilmember James feels the library is a pillar of the community and provides more services to everyone than the museum or DMI.

Councilman Culotta pointed out the museum gets \$30,000 and recommends splitting the difference and giving the Milford Library and Milford Museum both \$25,000.

Council agreed the library is important to the community, in addition to the services it provide.

It was agreed to provide both the library and the museum with \$25,000 each, but it needs to be revisited each year. In addition, they will need to provide more detailed financial reporting versus focusing on their events and services which Council is familiar with.

Councilman Boyle shared that it is important to tell DMI, museum, Carlisle Fire Company and the library what Council is looking for. Each comes with a different approach and to be fair, it needs to be explained what Council wants to see.

Councilman Morrow recommends asking for their annual audit. Mr. Norenberg explained that some organizations use the term audit though they are only getting a financial review. Councilman Marabello said that is different than a compilation and Councilman James agreed.

Council then provided Mr. Norenberg with some recommendations for the library.

Mr. Norenberg stated that he and Ms. Frederick will add \$25,000 for the library and the additional \$40,000 for Carlisle Fire Company.

#### *DMI*

Councilmember Peel recalled asking if the money the City provides DMI is for the Executive Director and recalled their answer was that he was going to receive a raise. She said that considering the incremental increases over time and wonders if the same salary will be maintained or a lower salary considered for a new hire.

Mr. Norenberg noted that our agreement with DMI does not specify the money is used for the Executive Director's salary, though it does contain the CPI increase.

Councilman Culotta expressed concern that DMI's budget is not available on their website. He said DMI is working for downtown businesses. He feels they are great event organizers though they should be holding more fundraisers. It was confirmed their budget was presented to City Council in March.

Mayor Campbell returned at this time.

Mr. Norenberg pointed out that last year, the City's contribution increased from \$45,000 to \$45,860 based on the CPI increase. He also noted there is a review process in the spring at which time the Community and the Economic Development Committee will review their performance. That was designed to prevent long conversations at 9:00 p.m. during budget hearings.

He agrees that the City needs to do a better job of describing what we expect to see from these organizations.

#### *Summary*

It was noted that the budget is slightly over and will be addressed by the Finance Department. The basement restoration will need to be decided though funding has not been set aside for open space land acquisition or the Riverwalk Extension. Only a guestimate has been received on the improvements to the dog park.

Those items will be re-addressed when more firm details are obtained. Supplemental appropriations will then be considered.

The City Manager asked for any other direction relating to the budget. No one responded though Councilman Morrow liked the process of how the budget was presented this year.

Mayor Campbell thanked everyone for their participation.

Mr. Norenberg reported that a resolution will be added to Monday's agenda (June 10<sup>th</sup>) to adopt the budget.

There being no further business, Councilman Morrow moved to adjourn, seconded by Councilman Culotta. Motion carried.

The Council Meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 24, 2019

The City Council of the City of Milford met in Workshop Session on Monday, June 24, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:32 p.m.

PRESIDING: Mayor Arthur 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

Council was reminded of the obligation 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 Board President Sara Pletcher reported that this will be the last time she presents as her term ends on June 30<sup>th</sup>. She noted that as of July 1<sup>st</sup> the following new officers will take office:

President: Peggy Reilly  
Vice President: Don Vaughn  
Secretary: Shelley Moore  
Treasurer: Sandra Gullede

President Pletcher reported the following:

Executive Director Murrie Zlotziver is no longer with DMI but will remain at the apartment until July 31<sup>st</sup>. Joey Phillips has accepted the Interim Executive Director position until a permanent Director can be hired.

Tod VanEyken and David Pickrell resigned from the board; Don Vaughn from Not Too Shabby, Shelley Moore from Irish Rose and Sandra Gullede from Tax Chicks are the newest board members.

During this quarter, DMI's volunteer hours are estimated to be 1,542, with a value of \$38,056.56. Those volunteers will be recognized on August 18<sup>th</sup> at an Appreciation Picnic.

The fiscal year was changed to July 1<sup>st</sup> to align with the City of Milford's budget year.

A search continues for a new volunteer coordinator who will manage all elements of volunteering including recruitment, placement and retention of workers.

The 2019 Farmers Market season began on Saturday, May 4<sup>th</sup>, which was the day of the Bug and Bud Festival. A fall market is planned for November just prior to Thanksgiving. Associated each week with the market are an estimated 400 people, \$5,500 in sales and 20 vendors.

The downtown brochure continues to be updated with changes in businesses and services. New businesses include Nancy's Café (old Petite Sweets building) and Lady Maggie's Boutique (the previous Red Bandana moved to a larger space for the third time in eighteen months.)

Two new businesses are preparing to move to Milford though their plans are not yet final.

The Vinyard Project continues to move forward while pursuing funding. The first invoice was paid with \$15,000 received from the City of Milford and \$15,000 from Kent County. Unfortunately, Sussex County declined though they are seeking crowdfunding through IOBY.

DMI participated in the ribbon cutting for the new Milford-Branded Overpass on May 18. They appreciate the City of Milford's effort to make that happen.

The Entrepreneurs' Network has been suspended at this time due to lack of attendance.

In lieu of the \$50,000 field ad costs at DE Turf, DMI is instead working with the Kent County Tourism Office who will be distributing promotional items at various tournaments this spring and summer. Included will be DE Turf/Milford branded bags and buttons. Persons wearing those buttons in Milford's businesses will be rewarded with select items.

The bag will have a list of participating merchants, along with Farmer's Market info, to attract DE Turf participants to our downtown area.

Work continues on the Ladybug Festival in hopes of obtaining new sponsors. Though they had hoped to increase this year's budget, it was reduced to the same budget and the number of venues were reduced by one this year due to rising production costs. An IOBY crowdfunding campaign went live last Friday with a \$10,000 goal in hopes of bringing the festival back with a no-cost fee to enter.

Third Thursday continues though participant numbers are low.

The Bug and Bud Festival was successful with an approximate \$6,000 profit for both DMI and the City of Milford Parks and Recreation Department.

Merchant interest continues in hopes of obtaining a billboard on Route 1. Digital boards show six ads every ten seconds at a cost of \$950 per month and static boards are \$1,200 per month. Because of the cost, DMI is unable to purchase advertising in this format.

With the Easter Plant Sale relocated to the Santa House location on Walnut Street, plants sold out a day early which resulted in a profit of \$1,627.70. Inventory will increase as a result in 2020.

DMI has partnered with Parks and Recreation to apply for the 2020 Delaware Forest Service Tree Grant.

Thirty plus volunteers planted flowers on City street poles and in other baskets throughout downtown this past spring. Parks and Recreation has hired a part-time person to handle the watering duties.

The Sail Banner Project was unveiled on May 25. Through a Milford Lions Club grant, the banners were manufactured by First State Manufacturing and art supplies and banners distributed to local businesses, Milford School District students and other local artists.

Letters were sent to businesses and property owners reminding them of DMI's small revolving loan relative to a Sign, Awning and Façade Enhancement Grant Program. To date, no businesses have applied.

Building and ground maintenance continues on a regular basis.

President Pletcher then discussed the low numbers which she feels the rainy weather and cancelation of the Life Cycle lot party impacted.

Incoming President Peggy Reilly then spoke, adding that the weather was extremely hot though they had originally anticipated a larger crowd. However, with school getting out a few days earlier, a lot of families were away on vacation would could have had a bearing as well.

Councilman Marabello questioned the -0- estimate noted on the short year budget (November 2018 thru June 30, 2019). Ms. Pletcher believes that was a result of receiving last year's funding prior to November 2018.

*Quarterly Update/Milford Museum*

Executive Director Claudia Leister presented the following report:

Speaker Series (April): Joan Lofland and Claudia Leister presented "lantern slides" showing newly discovered Milford photographs.

Speaker Series (May): Dan Griffith presented "Seventeenth Century Indian Towns in Sussex County".

South Milford Walking Tour (May): David Kenton hosted with seven people attending.

Dr. Amanda Gaglione, Gifted & Talented Teacher for Elementary School Programs, brought seven classes of students from Ross, Banneker, and Mispillion to visit the Museum.

Museum maned a booth at the Bug & Bud Festival.

Fifth Annual Roaring 20's Lawn Party at Causey Mansion realized a profit of \$2,695.50.

She noted that she has put an emphasis on working with the schools and feels it is important to have those students visit the museum and in hopes those students will learn about the town they live in.

In addition, Dr. Gaglione has agreed to participate as a board member for the museum.

They are working on a new fundraiser "Hippy Fest" in recognition of the 50<sup>th</sup> Anniversary of Woodstock. The event will be held on the grounds of Causey Mansion with participants encouraged to bring their own blanket, beach chair and groovy attire.

The Ladybug and Kennedy Silver exhibits replaced the Doll exhibit.

In honor the State of Delaware's Ladybug, which was the result of the efforts of Milford School District's own second grade class, she has ordered a three-foot high, four-foot long and three-foot wide fiberglass lady bug statue that will be placed on the landing of the museum and align appropriately with the upcoming Ladybug Festival.

Two new exhibits were installed. The 1920's Toy Collection and a wall of information on the Milford Air Park.

The Museum has loaned Milford Art League twelve pieces of artwork by well-known Delaware artists to be exhibited during their June exhibit.

She continues to work on getting an inventory of the collections in the museum.

Visitation from June 1, 2018 to December 30, 2018 - 2,151 visitors:

January	165
February	310
March	165
April	280
May	440

The museum received five large section labels from Bayhealth for our History of Milford Hospital exhibit.

A new website is also being created.

She again encouraged Council to attend the exhibits at the museum.

*Carlisle Fire Company Update*

No report.

There being no further business, the Workshop concluded at 6:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 24, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 24, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, 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 Lisa Peel

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:00 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

##### *Light Up Navajo/Electric Crew*

Retired State Senator Gary Simpson and IBEW Local 126 Business Representative Rick Fridell were in attendance.

City Manager Norenberg shared a report given at DEMEC's Annual Dinner last fall, on Navajo Nation, the largest Native American territory in this country located in northern Arizona and parts of Utah and New Mexico. Among the 55,000 homes located on the 27,000 square mile reservation, approximately half do not have electricity. At that meeting several officials, including Retired State Senator Gary Simpson and Mayor Campbell, rallied to provide assistance to that public power entity from across the country.

Two of Milford's electric employees and two from the Town of Smyrna, joined community-owned utilities from Illinois, Ohio, Arizona, Oklahoma, New Mexico, California, Texas, Arkansas, Massachusetts and Utah this past April to power homes that have never had electricity. More than 100 volunteers from 24 utilities in 12 states took part in the American Public Power Association initiative, in support of the Navajo Tribal Utility Authority.

Public Works Director Mark Whitfield then provided a video related to the project.

He commented that Senator Simpson, the IBEW (International Brotherhood of Electrical Workers) and DEMEC generously donated toward the endeavor, lessening the financial burden on the local municipalities.

He then introduced City of Milford's representatives, Linemen Gary Johnston and Rob Palladino who provided details and pictures of the week-long project. They talked about the horrid living conditions at the reservation, as well as the precision work that was done under the direction of the Navajo Tribal Utility Authority. They also described the vast desert-type areas that had to be traveled between where power existed and where it was needed.

Mr. Whitfield reported that collectively, over the six-week period, crews provided power to 232 homes of the 15,000 homes without it.

The Public Works Director then read a plaque which was presented to each of the power companies that participated from the Navajo Nation for the support of the 2019 Light Up Navajo Pilot Project that helped connect 232 families to the grid for the very first time.

The linemen then thanked the City for giving them the opportunity to participate in this rewarding project.

When asked if the City will participate again next year, Mr. Whitfield explained our linemen were not able to take a City truck due to the conditions in the area. Because of the equipment and material issue, there is a limitation on how many homes can be connected at one time. However, he feels that APPA and the City are both committed to continuing this work and that we can again participate by providing future assistance.

Mr. Norenberg added that in addition to Mr. Paladino and Johnston, there were two other electric department employees that have volunteered to go.

He also thanked Senator Simpson and Mr. Fridell for their generous donations. Retired Senator Simpson also thanked the City for participating stating he is extremely grateful he attended the DEMEC meeting where a representative of the Navajo Nation Electrical Authority provided such a moving presentation. He believes it is particularly special that the City reached beyond Milford to do something so valuable to those that are less fortunate.

#### *Electric Superintendent Will Gallagher*

Mr. Whitfield then introduced Mr. Gallagher as the new Electric Superintendent as of May 20, 2019. Mr. Gallagher is from Long Island, New York and is planning to purchase a home here and bring his wife and young son to join the community.

Mr. Gallagher then spoke briefly, stating that this presentation and the efforts of these two linemen confirmed his belief that he made the right choice to move here. He looks forward to meeting everyone and working for the City.

#### COMMUNICATIONS & CORRESPONDENCE

Councilman Boyle reported that a recent Homeowners Association was held for the Meadows at Shawnee residents. Both Mr. Whitfield and Water and Wastewater Operations Supervisor Steve Ellingsworth attended. He stated that both spoke for about ten to fifteen minutes, followed by a question and answer session, until everyone in attendance was satisfied.

He commended Mr. Whitfield, who had been away for training, landed in Philadelphia at 4:30 pm, and arrived by 7:00 pm to make the meeting.

#### UNFINISHED BUSINESS

##### *Adoption/Ordinance 2019-21/Authorization/Chesapeake Utilities Franchise*

Mr. Norenberg recalled the introduction of this ordinance at the June 10<sup>th</sup> meeting. The memo outlines the relative sections of the charter related to franchises. Within the past month, the previous franchise agreement was reviewed with amendments presented to Chesapeake Utilities.

Information from other communities was also sought. Franchises from Middletown, Seaford and Georgetown were received though it was determined several other communities were also in the process of negotiating renewals.

Several key issues were identified during the review:

- Exclusive vs. Non-Exclusive: Our current franchise is exclusive however, Seaford, Middletown and Georgetown are non-exclusive. Because of the areas of Milford that are still unserved by natural gas in spite of many requests, staff felt that a non-exclusive agreement (or one with a first-right-of-refusal clause) would enable alternative providers to enter those markets.

- Revenue: The City currently receives “a volumetric franchise fee in the amount of \$0.010 per 100 cubic feet of gas delivered to customers through the Company's distribution system within the limits of the City of Milford.” This is projected to provide the City with about \$43,000 in revenue for FY19-20. Georgetown charges the same rate. It is proposed that the fee remain the same.
- Extensions: The rules governing extensions of the distribution system in Milford are subject to the jurisdiction of the Public Services Commission. The City and Chesapeake Utilities partnered last year to secure a grant to offset some of the cost to extend gas service along Northwest and Northeast Front Streets. Otherwise, we could not require the franchise extension into areas that did not meet the financial requirements set out by the State.
- Buyout: The agreement that is about to expire, provided for the unilateral right to purchase the system five years into the term at 225 percent of net book value. Chesapeake Utilities proposed that the City would have to pay 500 percent of the net book value to buyout the distribution system under certain circumstances in the new agreement. This amount has been negotiated down to 300 percent.
- Indemnification: The Middletown agreement had a more current and complete indemnification section that was substituted for the 20-year old version.
- Non-Discrimination: A new, non-discrimination section was added.
- Term: The last franchise was 20 years while others in the State are 15 to 25 years. Extending for another 20 years will hopefully provide a window of opportunity to justify expansion into unserved areas.

In attendance were Chesapeake Utility Representatives Dean Holden and John Martin.

Mr. Holden stated they are pleased with the expansion over the last twenty years and understands the related challenges. Unlike other towns with a gas and light utility that have gas mains installed through the old portions of downtown, Milford does not have that. That is the reason most infrastructure is around the peripheral that follows new construction more frequently than not, though they have been able to extend the gas mains into pre-existing developments.

They are excited to move forward with the gas main extension across North Front Streets with the assistance of State grant monies.

When considering a natural gas extension, the PSC requires an economic model of those customers who are willing to pay for the infrastructure. As a result, they are prohibited from using monies from customers' existing rates to pay for expansion. When serving a new development, an agreement stating that a specific number of homes will be serviced must be in place. When looking across Northeast Front Street, they are trying to gain applications from a sufficient number of potential customers to ensure it will be a prudent, economic model.

In addition, Mr. Holden said they also obtain historical customer data that has been added after a gas main is installed within a footprint over a ten-year period. If that conversation percentage can be proven, it can be utilized.

That ties into the exclusivity term or non-exclusive term of the franchise. The PSC places a greater hurdle on a non-exclusive franchise to prove the future potential customers will become Chesapeake's customers, making it a little more difficult to show. That is why an exclusive franchise gives the ability to prudently claim the expectations of future customers.

It was also noted that unlike Verizon or Comcast, there is no other competing natural gas utility below the C&D Canal.

They agree with the other terms in the current draft being presented to City Council and are excited to continue working with the City of Milford.

When asked about feedback from potential customers in Milford, Mr. Holden explained that municipalities vary as far as residents who are interested in natural gas; he finds Milford to be about average.

He explained from a customer who is interested in natural gas, may find the expansion rate to be frustrating. They often grow very slow because they need enough customers to commit in certain areas.

When asked how many residents in Lakelawn Estates would be needed to commit to becoming natural gas customers, Mr. Holden said each project is different. Lakelawn would be considered a conversion community and prefer a 60%

response rate in a survey. Once that is acquired, a final-for construction design is then priced by a contractor. That sets a target number of applications needed to make it an economic project, or the additional future load that is to be expected. For some developments, that number is 110% of the homes though other times it can be 60% of the existing residences willing to commit and work with municipalities and private developers to get this accomplished in many cases.

Mr. Holden offered to leave his business cards though a sales rep oversees this process.

Mayor Campbell then opened the floor to public comment.

Stephanie McDonough of Lakelawn Estates said she has been talking to Chesapeake since 2013 trying to get gas extended to their development. She stated the development is bordered by Lakeview Avenue, Kings Highway and are in close proximity to Route 113 northbound. Chesapeake has lines on Seabury, School Place, Lakeview Avenue, West Clarke Avenue and Williams Street.

She has worked with a previous customer representative and the first thing they did was door hangers though they received very little interest. At one time, they were hoping to bring Milford Manor on board though that did not happen.

A year later, Ms. McDonough distributed a letter for a neighborhood meeting. Several interested residents attended though nothing happened afterward. She was told that if construction began on the new homes on Route 113 south next to Milford Place, Chesapeake would come through Lakelawn.

In 2015, another survey was sent though the responses were still low compared to the number needed. Later that year, the Chesapeake rep sent a letter stating he was working with Brookstone Trace's developer about the potential use of gas and would follow up. Because the Lakelawn development was built beginning in the last 1950's, early 1960's, most of the homes are older. In the meantime, a lot of the homeowners are no longer interested because their systems needed to be replaced.

Ms. McDonough purchased her home in 1973 and she is at the point where she needs to replace her system as well.

When she called Chesapeake, the rep informed her they decided to go in a different direction to get to Brookstone Trace which eliminated the need to come through Lakelawn. She now understands that Chesapeake gas is being extended into downtown Milford by way of North Front Street and a section of Walnut Street.

She asked if there is ever going to be a possibility of Chesapeake extending lines into Lakelawn Estates.

It was noted that neither representative in attendance were involved in the past efforts though Mr. Holden will circle back to both representatives that have been involved. The challenges are very common and unfortunately, they have heard the same concerns expressed in other areas, including the changing of residents who may be interested and newer ones that have other interests. However, 90% of their customers are residential and expanding into communities like Lakelawn Estates is very important. He said the closer they get and the more infrastructure around the neighborhood will make it possible.

Roy Smith, also of Lakelawn Estates, said he echoes what Ms. McDonough's stated. He, too, is in the same situation and will need to make a decision on replacing his furnace in his home, which is also failing. However, he had hoped to do that with natural gas though nothing has occurred over the past five years and they will be making a decision in the very near future. He is not hearing what he wants to hear tonight, but understands it is a challenging business decision.

It was also noted that when a home is going thru HVAC upgrades regardless of the type of system, and is in a community that natural gas will eventually be extended, the homeowner can work with the contractor to identify equipment that can fit the homeowners' needs and structure the system so it can later be converted to natural gas.

No other persons wished to comment and the floor was closed by Mayor Campbell.

Councilman Boyle moved to adopt Ordinance 2019-21 approved the Chesapeake Franchise as submitted, seconded by Councilman Culotta:

CITY OF MILFORD  
ORDINANCE 2019-21

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE GRANTING TO CHESAPEAKE UTILITIES CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE GAS SUPPLY AND DISTRIBUTION SERVICES FRANCHISE AGREEMENT WITH THE CITY OF MILFORD; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING THE PRIOR ORDINANCE AND FRANCHISE AGREEMENT.

WHEREAS, Chesapeake Utilities Corporation and the City of Milford desire to enter into a franchise agreement for a period of twenty (20) years commencing from the date provided herein; and

WHEREAS, Ordinance 2019-21 repeals and replaces Ordinance 2-1999 adopted by City Council on June 28, 1999; and

WHEREAS, the Council of the City of Milford finds that it is in the public interest of its citizens to enter into an updated franchise agreement with Chesapeake Utilities Corporation.

## Section 1.

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

## AGREEMENT BETWEEN

## THE CITY OF MILFORD AND CHESAPEAKE UTILITIES CORPORATION

THIS AGREEMENT ("Agreement") is entered into as of July 4, 2019 between the City of Milford ("City of Milford"), an incorporated municipality located in the State of Delaware and Chesapeake Utilities Corporation ("Company"), a corporation organized under the laws of the State of Delaware.

## Section 2.

Upon the effective date, and subject to the terms and conditions set forth herein, the City of Milford hereby grants to Chesapeake Utilities Corporation a non-exclusive franchise agreement within the City of Milford.

## Section 3. Dates.

City Council Introduction: June 10, 2019

City Council Adoption: June 24, 2019

## Section 4. Effective Date.

This Ordinance shall be effective July 4, 2019.

See packet or City website for complete ordinance/agreement.

Motion carried.

*Adoption/Resolution 2019-07/Approval of 2019-2020 Fiscal Year Budget & Capital Plan*

The City Manager recalled that at the last meeting, City Council agreed to increase the employee base pay from 2.0 percent to 2.5 percent, effective July 1st. That was based on the increased received by members of the Milford Police Union.

He reported that the additional half percent increase for non-union employees' base pay totals \$27,313; of that, \$15,566 is in the General Fund and the remainder in the various enterprise funds, as follows:

Water - \$1,895  
Sewer - \$1,895  
Electric - \$5,995  
Solid Waste - \$1,962

Mr. Norenberg also spoke on behalf of Chief Brown, stating that the Chief applied for and received a grant to partially cover the cost of the new K-9 dog and related equipment. As a result, that item has been reduced in the general fund by \$10,800, which will partially offset the costs of the wage adjustment in the upcoming year.

To accommodate the impact of the additional base pay increase and in order to keep the Solid Waste increase to \$1.00, additional cuts were made in the advertising and printing line item.

Councilman Marabello noted that in the past, there has been a transfer from the Realty Transfer Tax fund of \$500,000 and asked if increasing that transfer, as is being done this year, will become the norm. Mr. Norenberg explained that in order to maintain a balanced budget and prevent a property tax increase, some additional money had to be pulled from the transfer tax fund for the Police Department's use. There is also a slight increase from the Economic Development Fund, which now includes the lodging tax revenue, to help cover the additional support for outside organizations and purchases related to attracting and serving visitors.

The City Manager confirmed there is no intent to continue that trend on a long-term basis, but it helps with the forthcoming budget as we prepare to build the new police department and remain conservative on tax increases at this point in time.

It was confirmed that City Council also approved a police enhancement fund fee that will be included in the monthly finance report within the next couple months.

Finance Committee Chairman James was thanked for his thorough examination of the budget. Councilman James then thanked Council stating he feels we had a healthy process and believes all of Councils' questions were answered. He has a better understanding of the input and makeup of the budget at this point and also thanked City Accountant Suzannah Frederick who has been very responsive to the many questions presented her.

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

He said he has reviewed the annual and capital budget in good detail. With no further questions, Councilman James moved to adopt Resolution 2019-07 adopting the annual budget for fiscal year 2019-2020 as presented, including the \$1 per month increase for solid waste services, seconded by Councilman Boyle:

RESOLUTION 2019-07  
ADOPTING THE CITY OF MILFORD  
FISCAL YEAR 2019-2020 BUDGET & CAPITAL PROGRAM

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2019-2020 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on June 3, 2019 and June 4, 2019; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets Division, Parks and Recreation and Council; and the Water, Sewer, Sanitation and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2019-2020 in the following amounts:

Operations and Maintenance - \$41,544,072  
Debt Service - \$1,109,160  
Capital Program - \$2,621,744

Total Expenditures - \$45,274,976

Motion carried with no one opposed.

*Board of Adjustment Vacancy*

Mr. Norenberg referenced the recent resignation of BOA Member Chad Carter, in addition to information from the City Zoning Code and Delaware Code, regarding qualifications of board members.

He noted that State law stated that members shall be residents of the city or incorporated town and who shall have knowledge of and experience in the problems of urban or suburban or rural development.

NEW BUSINESS

*Update/City Hall Basement*

Public Works Director Whitfield provided background details regarding the history of the water issues in the lower level of City Hall, which became a much more urgent matter last September during a heavy rainfall. That flooding resulted in the relocation of the Planning and Code/Inspections Departments to the Public Works Facility. EDIS was eventually hired to investigate the water infiltration matter in an attempt to provide a recommendation for the remediation of the water infiltration.

Project Manager Leon Thompson Jr. provided the following information:

Last November, a meeting was held to get an understanding of the issue and the frequency of the water infiltration into the City Hall basement. A few heavy rain events had caused significant water damage to the Lower Level area. One event was contributed to water infiltration through one of the existing masonry chimneys. (This water infiltration issue is not a part of this investigation). A video of the existing underground storm water management piping along with an associated sketch format as-builts was also performed.

The findings from the video taken of the existing rain water conductor drain piping and the existing perimeter foundation drain piping were intact and performing without any obstructions. The video taken to and from the existing catch basins confirmed showed no obstructions from the existing parking lot area to the existing storm sewer piping at South Washington Street.

It was also determined the existing infrastructure below the parking lot and the sizing of the existing piping is adequate to handle the storm water capacity. A factor that could be contributing to this issue is the discharge of the stormwater into the Mispillion River. The discharge can become restricted during extreme high tide situations, which in turn, could cause a back-up into the existing storm water piping preventing the proper discharge from the City Hall property.

It is a challenge without being able to replicate the situation, though they have been here during several heavy rain events and were never able to observe that amount of water collecting on the property in any location.

Jim Di Guglielmo of EDis added the following:

It was noted the relation of the bottom of the catch basin is too low to drain off the bottom of the stairwells and the foundation drain. The September event occurred during an extreme high tide. All stormwater management, downspouts and foundation drains go into the City system down into the Mispillion River. During the high tide, an extremely rain event made all the water from surrounding streets dump into the same system. With six inches above, catch basin #1 confirms that all the water to that level also came back to this building and was percolating up through the downspouts. A foundation drain had been installed at an incorrect level and was actually designed two feet higher than it should be. As a result, it will not take any water away. It was installed at that height because that is the lowest it could be placed and still get positive drainage to catch basin #1 at the bottom of the steps.

The most cost-effective solution is to abandon all the piping from the building to the stormwater system, dump the downspouts and slash them out onto grade and install a new foundation system.

EDiS was asked to break the project into two; exterior and interior. A new foundation drainage system would have its own pumping system to pump water out to the front of the building to grade. This would delete any return from the stormwater system.

If the three-foot catch basin had six inches of water, all pipes that were supposed to be discharging into the catch basin were already full and coming back to the building which may have been the reason for that occurrence.

In addition, there may also be a problem with the chimney which is a separate matter and could be the reason for the smaller water infiltration. It is unfortunate they could not witness a big water event though they can see on paper what occurred.

With City Hall's stormwater is discharged into the river, they have not been able to gain access. When the pipe going into the river is blocked, it starts to come back once the water exceeds its own level. That is the result of the street water and City Hall's water going into the river.

He noted that one street does not have a catch basin and instead flows down the street.

Mr. Di Guglielmo also noted there is very little green areas and the water coming back to City Hall as a result of what they feel is a perfect storm scenario that occurred with high tides and torrential downpours.

A proper designed drain is needed at the top of the footing. In that manner, when water comes in, it is trapped, and goes into the path of least resistance, into the drain and then travels out.

He further explained that the perimeter drain that was installed seven or eight years ago, is two to three feet higher than it should be. That was done because that elevation was needed to get positive gravity flow to the catch basin though it was not deep enough. The only water it picks up is what happens to fall into it because it is not being trapped by the footing. The wall section should have a large base of stone with a pipe and any water would go to the path of least resistance, go in and travel out. If not falling dead center of the top of the circle, the water is going around the pipe.

Though it was thought that the various water infiltration issues are related, he feels there has also been a problem with the two chimneys which could be part of the smaller water problems.

#### Recommended Action

1. Isolate the rain water conductor piping discharge and the perimeter drain discharge to catch basin #1. This will be accomplished by having the existing rain water conductors discharge to grade and ensure proper drainage away from the building. The existing inlets to catch basin #1 for both the existing rain water conductors and the existing perimeter drain will be infilled at the catch basin #1. The existing perimeter drain system is not effective due to the location of the perimeter drain piping. Due to the existing elevations of the inlets into catch basin #1, the perimeter drain piping had to be installed at an elevation higher than the existing footing elevation. This decreases the effectiveness of the perimeter drain performing to the greatest extent. The method of controlling the water in the stairwell landings will be as follows. A catch basin will be installed at each stairwell landing area outside the existing doors. This catch basin will be piped to the interior of the building into a sump pit. This pit will have a sump pump which will pump the water out above the ceiling to the existing exterior grade. The budget estimate cost for this scope of work is \$51,850.00.
2. Fit-Out Lower Level: Complete fit out to restore the lower level back to original condition along with a new perimeter drain system at the existing exterior walls, as well as, a trench drain (tied into the perimeter drain system), at each existing exterior door. The building material for the partitions, from existing floor level to 3' -0" above the finish floor, will be materials that are resistant to water absorption. Above the 3'-0" mark to the ceiling line will be conventional building materials. Existing finishes will be restored to include acoustical ceiling system,

paint, casework and a water-resistant carpet. The existing lights and HVAC grilles and diffusers will be re-installed to their original locations. The budget estimate cost for this scope of work is \$263,595.00.

To date, EDiS is approximately has spent \$15,000.00 of the \$29,000.00 budgeted fee for the evaluation.

It was confirmed there would be a lesser chance of flooding with solution #1 in the same situation. Mr. Di Guglielmo stated that if they disconnect the piping and isolate it, it cannot flow back. However, anything six inches or above will still come up in the parking lot.

He also noted that related common mistakes include landscaping with mulch beds a foot higher than they should be.

Mr. Di Guglielmo also talked about the second option which includes replacing the current building materials with inorganic wall materials from three feet down to the floor.

To summarize, they have provided two options. The exterior is one project which will keep the water away from the building. The secondary system could then be installed inside the foundation drain and include a separate pumping system for the stairwells because they are even lower and need to be pumped.

Mr. Di Guglielmo said the first recommended action would be to separate catch basin #1 from the rain water conductors and City Hall's foundation drain to completely isolate that path backwards. The other challenge is the handicapped ramp and anything below grade has to be removed. However, that is not cost effective when considering the costs of reinstalling it and the amount of concrete involved.

An in-depth discussion of the work followed and estimates were reviewed.

In regard to the projected numbers, Mr. Di Guglielmo stated they have proposals and believes they can tighten the budgeted numbers up. He also explained it was priced from a general contractor's standpoint, but currently they are retained by the City as consultants and reiterated that only half of the approximate \$29,000 has been used. He feels the City would save money hiring EDiS as a construction manager versus a general contractor.

Councilman Culotta stated that option 1 repairs the exterior before anything is considered inside. He understands the basement needs to be repairable though he is unsure if it should be office space or some other use. He suggests tabling that at this point, and in conjunction with the new police facility, consider a potential City office complex. He does not believe it makes sense to add another \$264,000 back into a building this old with many unknowns.

Councilman Morrow agreed adding all options need to be weighed including moving these offices to a new facility.

Councilman Culotta also recommends option 2 be further discussed at the committee level and a determination made of whether to spend additional monies on City Hall.

When asked if the downspouts are in the correct position, Mr. Di Guglielmo said he brought a consultant in. With this being an older building, there is an internal drainage system, so the gutters are not on the exterior. To make modifications will be very costly.

He said that currently, there is one downspout that goes down the stairwell that will need to be diverted. They found signs of efflorescence and it appears there was an attempt to remedy it using a dry Lok paint, but that has bubbled. Regardless, the drains need attention.

It was confirmed that the repair of the unknown chimney issues was not included in the estimate.

Mr. Di Guglielmo did share that the proposals are based on multiple prices by outsider contractors' scopes of the work.

Councilman Culotta recommends putting the unspent \$14,000 toward the \$51,850.00 estimated cost of option 1. Councilman James prefers adding the chimneys to the scope of work.

It was suggested to start with option 1, and add an option 3 for the chimneys.

Public Works Director Whitfield said the intent was to give the report, but not take any action at this point. He agrees the project should be added to the next Public Works Committee agenda so it can be determined how to move forward.

Councilman James asked that the chimney work be investigated and an estimate provided. However, if this work needs to be done, before it is determined how this building will be used in the future, he does not believe any further discussion is needed and wants to proceed with option 1.

Councilman Culotta said he also recommends adding a \$5,000 to \$10,000 contingency for cost overrun. Councilman James pointed out that once they conclude with their examination of the chimneys, the \$14,000 will be reduced. But he feels we can pull funds to cover the contingency.

Mr. Norenberg believes that if Council wants to move forward with option 1, it will need to be bid because it is over the threshold and a funding source determined.

Mayor agrees with Mr. Whitfield that the matter should be brought to the Public Works Committee. Councilman Boyle feels the chimneys cannot be overlooked because that is water is still migrating into the building. Until that is fixed, we will continue to have water problems.

Several options were then discussed, though the general consensus of Council was to have the chimneys repaired.

Councilman Culotta does not feel the Public Works Committee needs to discuss option 1. Mayor Campbell disagreed.

Councilwoman Wilson feels we are moving too far ahead. She prefers getting the total number and present the entire scope, including the chimneys, so Council knows exactly what is being voted on, though the number will change with the additional work.

Councilman Boyle pointed out the chimney work could be a separate contract.

It was agreed to wait for the final numbers before bringing it back to City Council. Councilman Culotta agreed to wait but does not favor sending it the Finance and Public Works Committee.

When asked for some direction, Mr. Norenberg said Council wants to obtain the best price possible to move forward with option 1, bring that back with a recommendation on funding, get a quote from EDiS for examining the chimney situation and obtain a solution as another option. More time can then be spent on option 2 at the committee level, as was discussed tonight.

Council concurred.

Mr. Whitfield publicly thanked EDiS stating it is also rewarding to find a contractor that truly helps with what can be a very serious situation, in addition to coming in at half the price originally quoted.

*Approval/Kent County Levy Court/Sewage Disposal District 1/Revised Contract User Agreement  
Connection to Harrington Force Main and Service & Treatment for Northwest Milford*

Mr. Whitfield reported that about a month ago, the City received a request from the developer of the Hickory Glen Subdivision to tap onto the Harrington force main for sewer service rather than the existing City gravity lines along Route 14 and the US Cold Storage pump station.

Both the City and Kent County evaluated the request and deemed to be in the City's best interest of the City to connect to the Harrington force main. That will also preserve capacity within the City's existing infrastructure along Route 14 and the Truitt Avenue Pump Station.

The connection at the Harrington force main will require an additional metering point that will need to be maintained. However, that far outweighs any other potential issues.

It was confirmed there is no cost to the City other than the maintenance and calibration of the meter. The developer will install the infrastructure.

Councilmember James moved to approve the Kent County Levy Court/Sewage Disposal District 1/Revised Contract User Agreement, seconded by Councilmember Wilson. Motion carried.

*Approval/First State Inspection Agency, Incorporated/Plan Review & Inspections Agreement*

Planning Director Pierce recalled that a line item was included in the recently adopted budget, to allow assistance from First State Inspection Agency, should the City continue seeing an increase in permits issued over the next fiscal year. They would be on retainer should their services be needed for building permit planned reviews and inspections.

This will be an extension of the same contract from the same two and a half years, at the same rates.

It was confirmed we have a full-time inspector in house and they will only be called when necessary.

Councilmember Boyle moved to approve the First State Inspection Agency, Incorporated agreement for one year, seconded by Councilmember Morrow. Motion carried.

*Approval & Appropriations/Street Improvements/Design Services*

*Approval & Appropriations/Water Lead Service Line Replacement/Design Services*

Mr. Whitfield shared that as part of the Capital Improvement Plan requests submitted by the Department, several streets are slated for improvements for 2019 and 2020.

In 2017, the Department utilized engineering interns to complete a street Pavement Condition Report, which identified all streets. In the 2018-2022 Capital Improvement Plan, all streets rated poor, very poor or serious condition were slated for improvements over the duration of the plan, with approximately \$825,000 required each year.

He recommends the program be funded through a combination of general fund reserves, municipal street aid and real estate transfer tax.

Presently, Merestone Consultants is under contract for the reconstruction of Mispillion Street between Columbia Avenue and Fisher Avenue, Marshall Street, between Southeast Front Street and the Milford Dog Park and McColley Street between Southeast Front Street and Mispillion Street.

This project is scheduled for construction in the fall 2019.

Additionally, the design work for improvements that need to take place on Southeast Second Street before DelDOT repaves, is under contract with KCI Technologies. Improvements include curbing, sidewalks and water and sewer utility work. The work is scheduled for construction in fall of 2019.

Funding authorization is requested for the contracting of professional services and the remainder of streets listed for 2019 which includes Fisher Avenue, Roosa Road, Plum Street, Masten Circle and Southeast Fifth Street. The anticipated cost for engineering design services for these streets is expected to be \$60,000.

Additionally, streets slated for 2020 will be completed in conjunction with the Lead Service Line Replacement project. Funding for that project is through the Delaware Drinking Water State Revolving Fund and Department of Health and Social Services. The street rehabilitation work will be funded through Municipal Street Aid and Real Estate Transfer Tax.

It is recommended that both projects be completed by the same design professional. One of the issues with the Lead Service Line Replacement project is the quicker it is done, the quicker the loan becomes a grant, with the City only paying the interest.

Councilmember Wilson moved to authorize funding from Municipal Street Aid for design services for the following street improvement projects, seconded by Councilman James:

\*\$60,000 for Fisher Avenue, Roosa Road, Masten Circle, Plum Street and Southeast Fifth Street

\*\$72,000 for Northwest Third Street, Northeast Fourth Street, Northwest Fifth Street, North Street, Northeast Second Street, Mill Street, Kings Highway, Barker Street and Church Street.

Motion carried.

Councilmember Wilson moved to authorize \$75,000 funding from Water Reserves for design services for the Lead Service Line Replacement project, funds to be transferred from the loan to pay back Water Reserves, seconded by Councilmember James. Motion carried.

Councilmember Wilson moved to authorize the contracts to KCI Technologies for engineering service, to be paid from Municipal Street Aid, for:

\*\$14,500 for the paving of Roosa Road, Masten Circle and Southeast Fifth Street;

\*\$19,000 for the design and paving of Plum Street

\*\$11,635 for the survey and concept plan for Fisher Avenue

Motion seconded by Councilman James and carried.

#### *Approval/FY18-19 Budget Adjustment/Administration Salaries*

Mr. Norenberg reported that at the end of the fiscal year, we are experiencing some shortages in a few line items.

As a result of the change in handling compensation related to meeting transcriptions, funding needs to be moved from the City Council budget to Administration. To cover approved increases and an under budget in the payroll line, a supplemental appropriation is required.

Councilmember Boyle moved to authorize transferring \$7,000 from the City Council payroll to the administration payroll line item, seconded by Councilmember Wilson. Motion carried.

Councilmember Boyle moved to appropriate \$17,256 from the general fund reserves into the administration payroll line item, seconded by Councilmember Wilson. Motion carried.

#### *City Solicitor/Council Salary Interpretation*

Solicitor Rutt recalled being requested to render an opinion on what compensation a Milford City Councilmember is paid based on the current code. Currently Councilmembers receive a salary of \$50 per meeting and the question is what constitutes a meeting.

Reviewed were sections of the Milford City Charter, as well as the Milford City Code. Additionally, sections of the State of Delaware Code, Delaware Case Law and the Rules of Procedure for Kent and Sussex Counties were also considered.

Following are portions of a memo submitted by Solicitor Rutt in response:

Charter Section 4.03 - Compensation and Expenses: The City Council may determine the annual salary of Councilmembers and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Councilmembers and the Mayor shall receive their

actual and necessary expenses incurred in the performance of their duties of office, in accordance with a policy established by City Council by Resolution.

Charter Section 4.08 – Meetings: (a) Meetings. The City Council shall meet regularly at least once in every month at such times and places as the City Council may prescribe by Rule. Special meetings may be held in compliance with State Law and may be on the call of the Mayor or of four (4) or more members. All meetings shall be public; however, the City Council may recess for the purposes of discussing in a closed or executive session as permitted by State Law.

Code Section 41-1 – Regular and Special Meetings: The regular meetings of the Milford City Council shall be held on the second Monday in each month at 7:30 p.m. in the Council Chambers. Special meetings may be called by the Mayor or by four (4) or more members and, whenever practicable, upon no less than 12 hours' notice. All meetings, regular and special, shall be open to the public.

Code Section 63-1 – Definition and Word Usage:

Council Meeting – The monthly Council meeting, workshop meetings and all other executive meetings called to order by the City Manager or Mayor.

Code Section 63-2 – Salaries Established:

2A. Each City Councilmember shall receive a salary of \$50.00 per meeting.

B. The Mayor shall receive a salary of \$400.00 per month.

Code Section 230-58 – Procedure:

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard.

The Delaware State Code does not directly address compensation for municipalities. It does give a definition in Title 29, Section 10002(g) of a Meeting as following: "Meeting means the formal or informal gathering of a quorum of the members of any public body for the purpose of discussing or taking action on public business either in person or by videoconferencing." Additionally, under Title 9 regarding counties, the State Code addresses change of zone procedures. The State Code requires that any change of zone application that comes before the County Council or Levy Court must be the subject of a public hearing. The public hearing requirement is similar to what is stated above for the City of Milford. That is, there must be an opportunity for the applicant and the public to be heard on the application. It does not indicate whether the public hearing must be part of the regular agenda of the public body or that they be held in a separately called meeting.

Case law was also reviewed.

Kent County and Sussex County have both adopted procedural policies. The procedural policy for Sussex County is quite clear in how public hearings are stated as an agenda item. Sussex County adopted rules of procedure on January 8, 2019 and under Rule 1 Order of Business, public hearings are a specific agenda item at the Sussex County regular meetings. The policy for Kent County is not as clear. However, in reviewing various agendas Kent County Levy Court also puts public hearings as an agenda item on their normal agenda. For both counties, the Rule of Order is as follows: Call to Order, Invocation, Pledge of Allegiance, Adoption of the Agenda, Approval of Prior Minutes, Public Hearings. The public hearings appear on the agendas before old and new business and before other things such as committee reports. Public hearings are specific agenda items for the normal meetings of both county governmental bodies.

The compensation to which Councilmembers and the Mayor are entitled is established by ordinance. Code Section 63-2 states that the Councilmembers will be entitled to \$50.00 per meeting and the Mayor is entitled to \$400.00 per month. The distinction was specifically made for payment to Councilmembers on a meeting by meeting basis. The Milford Code Section 63-13 clearly distinguishes council meetings both regular and special, from workshops. It does not distinguish public hearings or committee meetings as a separate meeting. 29 Del C. §10002(g) in its definition of meeting clarifies that to be compensated for a meeting a council person must be in attendance either in person or by videoconferencing.

Since Milford does not have the videoconference option, to be paid the \$50.00 for a meeting, the Councilmember must be present. The Milford Code also does not provide for a payment of \$50.00 per month for services as a councilmember.

Payment is solely based on attendance at a meeting.

The question arose regarding payment for the public hearings. In my opinion, the public hearing is not a separate meeting for which a Councilmember can be compensated. Milford is unusual in that it separates the public hearings from the normal Council agenda. This is different than the agendas as noted for both Kent and Sussex Counties as well as agendas for other municipalities that I am aware of. The typical procedure is to have the public hearing as an agenda item after the Call to Order, Invocation, Pledge of Allegiance, and so forth.

I am not certain how the procedure has evolved to have the public hearings called to order, conducted and then the meeting called to order. I would suggest that the City Council review its procedure and adopt a process where the meetings are officially called to order and then the public hearings are part of the agenda.

On February 12, 2018, Council adopted Rules of Procedure that specifically sets forth the ordering of the agenda. It basically follows the order set out above for Kent and Sussex counties and places public hearings after approval of the minutes and before other Council business. The fact that public hearings should be part of the normal agenda and not a separate item is bolstered by Delaware case law. Public hearings are typically heard on matters requiring adoption of a new ordinance or an amendment of an existing ordinance. In all cases involving ordinances, the ordinance to be adopted or amended must be introduced at a regular Council meeting and it is then scheduled for public hearings. The public hearing on the proposed ordinance is then to be part of Council action at a scheduled meeting. Since the public hearings are all conducted as part and parcel of the required monthly meetings, there should be no distinction between the public hearings and the regular Council agenda and meeting. See *O'Neill v. Town of Middletown*, 2006 WL 205071 (DE Chancery, January 18, 2006).

Since zoning matters are legislative functions, Council is obligated to conduct a public hearing to hear from the interested parties without adversarial proceedings after which council must weigh the evidence, pass or deny the ordinance seeking the zoning change and must state the reasons for the vote. *Conner v. Shelburne, Inc.*, 281 A.2d, 608 (DE, 1971). *Tate v. Miles*, 503 A.2d, 187 (DE, 1986). Both of those cases also note that the Council has the right not to immediately vote on an application but to defer the vote. In that case, as is the common practice for Milford City Council, any deferred application comes back to be placed on a future agenda under old business. Therefore, it is unquestioned that public hearings are not separate compensated matters but are part of the normal meeting agenda and any compensation would be paid for as a regular meeting under the Milford Code.

If City Council wishes to amend the compensation to which it is entitled, it must be done by ordinance. Charter Section 4.03. That would require in itself that the ordinance amendment 4 be introduced and that a public hearing be held. It would be an amendment to Code Section 63-2. No amendment would be effective until after the next Council election provided that the ordinance was adopted within six (6) months of the next election. Currently, the Milford City Code provides that the Councilmembers are paid \$50.00 per meeting. The meeting definition includes regular or special meetings of Council and workshops. Thus, there is a distinction between a workshop which is held prior to a Council meeting and the Council meeting itself. Both would be compensable at the rate of \$50.00 per meeting. It is also clear under State Law that to be compensated there must be actual attendance at the meeting by the Councilmember for the member to be compensated.

There is also no provision for compensation for committee meetings. The Milford Code is clear that a compensable meeting is one called to order by the City Manager or the Mayor. See Code Section 63-1. It does not include committee meetings which are called to order by a Councilmember Committee Chair. Committee meetings are not separately distinguished and would be viewed as part of the Council persons obligations as an elected representative. Efforts should be made to have the committee meetings coincide with the regular meetings of the City Council.

It is also my understanding the Councilmembers have been routinely paid \$50.00 for a first meeting each month whether they have attended or not, and an additional \$50.00 if they attend a second regular meeting. The first payment is contrary to the Code and State Law.

Payment should only be paid for meeting actually attended.

Lastly, Councilmembers and the Mayor are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. See Charter Section 4.03. Any expense incurred should be fully documented in accordance with the policy which has been adopted. If there are questions on the reimbursement, that should be reviewed with the Finance Department.

Solicitor Rutt stated that his recommendation is for public hearings to be added to the Council Meeting agenda. In addition, the Mayor continues to receive \$400 a month as a salary. City Council receives \$50 per meeting which includes 'called to order' meetings and workshops. However, Council also has the right to amend the code though it would not become effective until after the next election provided that change was done six months prior to the election.

Councilman James suggests the City execute the code as currently written with Council meetings, workshop and all other executive meetings called to order by the Mayor. If the meeting procedure is followed as was previously voted on, the public hearings would be part of the meeting.

Solicitor Rutt pointed out that ordinance reads that Council holds meetings on the second Monday at 7:30 p.m. The City Clerk pointed out that is one of a number of ordinances that needs to be removed and/or updated.

Councilman Boyle asked if these ordinances can be cleaned up in house; Solicitor Rutt stated yes.

When asked if a vote is necessary, Councilman Culotta stated that there is no need for a vote because the language is already there and there is a need to adhere to it.

Solicitor Rutt agreed adding that the clarification has been made and Council would be paid as Code states.

#### *Update/Sidewalk Project*

The Public Works Director asked for clarification in regard to the City paying a portion of the project. He asked if the plan is to provide funding to all property owners, or accommodate those people who choose to have the City oversee the work and are willing to pay for it within the thirty days of invoice.

His reasoning is based on the fact that if no interest is charged for anyone paying for the work over a period, he does not anticipate anyone paying for the work upfront. However, that is a decision of City Council.

Councilman Culotta recalled that on September 10, 2018, Councilmember Peel moved to return the sidewalk repair project to the Public Works and Finance Committee for additional review. He asked if that ever happened and felt that would be an appropriate review. He does not want it being pushed forward by City management and allow for questions to be emailed or discussed in that manner.

He emphasized the need to discuss and debate Council items in a public forum.

Council questioned the number of times the matter has been discussed. Councilmember Wilson believes that Council has discussed it at least three to four times.

There were several dates presented and Solicitor Rutt finally determined it was discussed at the committee level on October 8, 2018.

Councilman Culotta said he appreciates the beautification efforts of City management and City Council, but he does not agree with the manner this is being handled.

The sidewalk process and meeting discussions were then discussed at length.

It was noted that the next Finance and Public Works Committee meeting is in August. If it were postponed until that time, the project could not be completed again this year.

The Public Works Director commented that the bidding takes at least a month.

Councilman Culotta confirmed that contractors are required to provide a bid bond; he added that has to be purchased through their insurance companies and he has been told by the contractors that is one of the reasons the City only had one bid.

Mr. Whitfield explained that is the reason the lowest bid was rejected.

Councilman Culotta said it makes sense to him that any company bidding on the project that provides the bond fee can demonstrate what that fee was. If Council decides not to move forward, then the City needs to credit the contractor that fee for at least making the effort.

Solicitor Rutt remarked that is a general stipulation of a contract. However, they could post a cash bond and assuming they perform without any issues, it is then returned to them. He explained they do not post a bond unless they win the bid. A letter of credit would be required as part of the bid package that would state they will post the cash bond if successful.

The Public Works Director recalled that in the last Council packet when this was discussed, the minutes of the October 8, 2018 were included. The last paragraph states "City Manager Norenberg confirmed there were no additional concerns. He stated that he will proceed with the changes in the letter, research low income program criteria and review the 10% fee and its cost in relation to one or more blocks of repairs. Chairman Morrow agreed and thanked the City Manager and Public Works Director for the work that has been put into this".

Councilman Boyle referenced the prepared letter to residents, stating that this is at least the third proposal, following separate discussions by City Council. To him, it makes sense. He read it to several residents who were excited and felt that 15% was a great deal. They had no problem and felt the 60-month repayment was very generous and benefited homeowners. The only question was if the lien may impact their credit rating, even though it was agreed to.

Council then referenced the notice:

#### ***SIDEWALK NOTICE***

*The City of Milford strives to be a safe, walkable community. To this effect, the City has launched a Sidewalk Repair Program. The Public Works Department has developed a schedule to inspect sidewalks in the City over a 4-year cycle, with different areas being inspected each year. For the first year of the program, sidewalk inspections were completed along collector streets and streets serving public schools.*

*During a recent inspection of your sidewalk deficiencies were found. City Ordinance Chapter 197 requires property owners to keep public sidewalks along City streets abutting their property in good repair. A satellite photo of your sidewalk is included with this letter depicting the location of the deficient blocks.*

*Property owners have until October 31, 2019 complete the repairs of their sidewalks. If you choose to complete the repairs, please call the City Engineer's office at 302-422-1110 or email [sidewalks@milford-de.gov](mailto:sidewalks@milford-de.gov) to schedule a reinspection of the sidewalk once the work is complete. A pamphlet is enclosed with information on how to complete the sidewalk repairs. Sidewalks not completed by the property owner by October 31, 2019 will be completed by the City's contractor and will be billed as noted below.*

*Please note that the City will repair any sidewalk blocks found to be deficient that contain a water meter box, sewer manhole/clean-out, street sign, fire hydrant, or utility pole at no cost to the property owner. Property owners do not need to complete the repair of those blocks.*

*Property owners can opt to have the City complete the repairs and be billed for the repair cost. Property owners will have 30 days to make payment for the repairs.*

4" thick \$ \_\_\_\_\_ per square foot, or approximately \$ \_\_\_\_\_ per 5' x 5' block  
6" thick \$ \_\_\_\_\_ per square foot, or approximately \$ \_\_\_\_\_ per 5' x 5' block (driveways)

*Property owners who want the City to repair the sidewalk must contact the City Engineer's office at your earliest convenience at [sidewalks@milford-de.gov](mailto:sidewalks@milford-de.gov) or 302-422-1110. Property owners electing to have the City repair the sidewalk, and make payment within 30 days of invoice, will receive a 15% discount. Property owners may finance the sidewalk repair costs completed by the City over a 60-month period at no interest. You will receive a coupon payment booklet to use to make your monthly payments.*

*Property owners who are financially unable to pay for the repair costs may opt for the City to complete the repair and have a lien filed against the property that will be satisfied at the time the property is sold.*

*It is important that City of Milford be a safe, walkable community, and we appreciate your effort in being part of that initiative.*

Councilman Culotta said we only had one bidder which is a problem. Councilman Boyle said the objection of the bidder was they were unaware of the scope of the bid. However, until the project is bid, no one knows until it is advertised. At this point, we at least we know what the City needs to take care of.

Councilman James confirmed that the City is still paying a portion of the owner's cost; Mr. Whitfield said his recommendation is to provide that discount to those property owners who agree to have the City handle the work and pay it within the thirty days of invoice. If they choose to use the 60-month payment plan, they would pay 100%.

Councilman Culotta asked if there is a threshold for the financing because he feels that this will be a stress to anyone's finances regardless of what their income is.

Mr. Whitfield said the option is to allow a lien to be placed on the property and satisfied at the time of the sale of the property.

Mr. Norenberg then explained the process adding that if Council decides to move forward, the project can be completed this year. The more people who choose to finance, is more money the City has to pay upfront. In addition, it is costing our staff more time to handle the financial documents and collect payments. Customer Service staff will have to track and follow up on every homeowner to ensure they are paying on time which will become someone's job on a regular basis. There is no way to automate it within our current system but may be able to do something with the upgraded software system in the next year or so.

The consensus of Council was the letter to the residents seemed appropriate. Councilman James added that Mr. Whitfield did was Council asked him to do.

Solicitor Rutt then reiterated that if a homeowner cannot repay the loan, a lien would be added to the property. For someone who wants to do a 60-month payment plan, a note can be prepared with a Confession of Judgment. That says as long as the person is paying, the note will not be reduced to judgment. However, if you miss two or so payments, the City has the right to automatically place the lien. That provides the incentive to make those payments without the lien, though the lien will attach if payments are missed.

Councilman Culotta asked what a property owners' recourse is to disagreeing with the City that sidewalk repairs are needed.

Mr. Whitfield explained that anyone can appeal the decision through the staff level. The ordinance is very clear with regard to what is a safety hazard and the criteria for safe sidewalks. For example, if there is a 1.5-inch difference they are arguing and the ordinance states a specific number, that number is the evidence. The main thing they are looking for is safety in the sidewalk.

Councilman Culotta asked what happens if they grind their sidewalk down. Mr. Whitfield feels if the homeowner is able to meet the criteria, by all means they can do that. Again, it is all about having a safe City.

Solicitor Rutt added there is another process through the Board of Appeals which falls under the construction code.

Councilman Morrow feels everyone needs to know there is an appeal and recommends adding that to the letter. Council agreed.

Councilmember Boyle moved to accept the draft proposal of the letter to the Property Owner regarding the Sidewalk Repair Program and incorporate a paragraph explaining an appeal process for anyone that feels the judgment of the Public Works Department is incorrect, to move forward with soliciting the bid and to mail the letters as quickly as possible, and to complete the project this year, seconded by Councilmember Wilson.

Councilmember Marabello confirmed that the City will complete any City sidewalk repairs first; Public Works Director stated that is correct and the work is underway.

Public Works Whitfield also clarified that Council asked that City sidewalks be repaired first. This does not include repairs caused by water, sewer meters, poles, etc. City-owned property has been inspected and the contractor is moving forward. There may be 20-25 blocks that will be repaired in relation to damages as a result of City-equipment.

Councilmember Brooks stated that he has 120 feet one way and 120 feet the other way. All his neighbors have grass. People step off the sidewalk in the grass and asked how that is safer than his sidewalk with a little crack. He asked if everyone is being treated equal considering he has 120 feet and 120 feet and his neighbors have nothing.

Councilmember Wilson recalled the reason the ordinance was created was to require all properties to have sidewalks.

Councilmember Morrow explained that Councilman Brooks is asking if the other residents with no sidewalks should they be required to add sidewalks. Mayor and Councilmembers all responded by stating no.

Councilmember Culotta asked what would happen if someone wanted to take their sidewalks out. Councilman Brooks said it is cheaper to have grass and not sidewalks like his neighbors. He said the code does not say that someone cannot break their sidewalk up.

Mr. Norenberg read the sidewalk code which states:

...property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition.

Councilman Culotta said this is a problem but mandating everyone to do this is going to open a can of worms. A conversation followed relative to City ordinances, property maintenance, right of ways and affordability.

It was agreed that Council should be familiar with the process and legal aspects if they are questioned. Councilman Brooks said no one knows what to say because Council will not make a final decision.

Motion carried by following 6-1 vote:

Yes-Marabello, Boyle, Brooks, Morrow, James, Wilson

No-Culotta

Councilman Boyle asked to make a statement. There is an ordinance that requires property owners to install a sidewalk. Since he has been on the Planning Commission, there have been a number of developments who have had sidewalks waived. Most of the developments in his ward have no sidewalks, many of which were approved before he moved here.

Councilmember Wilson agrees adding she has fought that for many years.

Councilman Boyle recommends Council reject any further requests for the waiver of sidewalks and adhere to what we want this town to look like in addition to the safety factors.

EXECUTIVE SESSION

Councilmember Marabello moved to go into Executive Session reference the below statute, seconded by Councilmember Boyle:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:30 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 9:54 p.m.

*Council Appointee Goals*

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

ADJOURNMENT

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

The Council Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 8, 2019

A Meeting of the City of Milford Community and Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, July 8, 2019.

PRESIDING: Chairperson Mike Boyle

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:

Councilmembers Todd Culotta, Owen Brooks Jr. and Katrina Wilson

City Manager Eric Norenberg, Chief Kenneth Brown and Recorder Carlene Wilson

#### CALL TO ORDER

Chairperson Boyle called the Committee Meeting to order at 5:33 p.m.

He will report on his appointed position on the Kent Economic Partnership at the next meeting.

#### UNFINISHED BUSINESS

##### *Update/Vineyard Shipyard Study*

Dan Bond was present to represent on the Vinyard Shipyard Task Force, along with Co-Chair Sher Valenzuela.

They have a community conversation each month and the last six months someone has always asked “what does Milford have to do to become a community that will keep the new hires in Milford rather than relocating to the Lewes/Rehoboth area”. That led to discussions about whether the recreation facilities in Milford would be comparable to the beach area.

The task force believes this project will take a big step forward in that direction by making Milford more interesting.

He reiterated that the focus is on the shipyard owned by Joan and Sudler Lofland and are trying to find a way for it to become a community resource which is the purpose of task force.

Mr. Bond then provided background on the RFP for a legal entity whereby Architectural Alliance (AA) of Wilmington was contracted by DMI to undertake a study of how the Vinyard Shipyard might best be managed as a public resource. The AA team started work the beginning of this year by doing a detailed survey of the shipyard and nearby spoon factory facilities. The Task Force team has had one working meeting with AA on March 11th to discuss the strengths and weaknesses of the sites and to discuss possible future uses.

They have been meeting with a lot of key leaders in the community to make people aware of the project. In the process, they talked with Anne Harper of the Delaware Nature Society who operates Abbotts Mill. Since that time, there has been an expression of interest by the Delaware Nature Society Executive Board to take responsibility for operation of the shipyard. The task force has directed the AA team to focus on preparing such a plan.

The long run vision is to have Delaware Nature Society develop and manage the entire Mispillion River, from their current facilities at Abbott’s Mill, through the City of Milford, out to the mouth of the Mispillion at DuPont Nature Center on Delaware Bay. That would become a green corridor for the Delaware Nature Society to have ecological, recreational, educational and cultural activities for locals and tourists.

However, the main goal of the task force remains on the future of the shipyard and the Lofland’s property and home.

A field trip is planned to the Wilmington Riverfront Project to meet with their Executive Director and discuss their business plan.

Mr. Bond reported that AA will be completing their study and presenting to the Dupont Nature Society in hopes of operating the facility within their means. If they agree, the task force will be returning to City Council to ask the City to purchase this last piece which will complete the Riverwalk. The report will take an anticipated three months.

Mr. Bond said that if the City decides to buy the shipyard and Lofland property, the Loflands are willing to sell it at the appraised value and give a significant amount of the sale as part of an endowment to generate an operating budget for the property. He also recommends the City consider purchasing the old spoon factory which the Loflands also own.

Mr. Bond then verified the Loflands are willing to sell the City all of their property which includes the shipyard, the spoon factory, their personal home and several individual carpenter homes for a price of \$5 million.

In the meantime, they are working with State Legislators to be put on the list for next year when there is a surplus in the budget that is earmarked for infrastructure and special projects.

Mr. Bond hopes the State will continue to have a good surplus for many years which can help the City purchase the shipyard, spoon factory and home.

He also noted that Landscaping Architect Matt Spong, has already submitted an application on behalf of Parks and Recreation for grant money to build a walkway around the shipyard to connect the last piece of the Riverwalk that has been missing for many years.

When asked, Mr. Bond clarified that Mr. Lofland established the price of \$5 million though they are willing to accept the appraisal value. He said they also prefer the City purchase the property and Mr. Bond agrees the City is the best entity to own it though he does not see the City operating it. Instead he agrees they should turn it over to a professional group like Delaware Nature Society who has been extremely successful in Northern Delaware.

Mr. Bond also suggests, though they have not yet discussed it, having the Nature Society take over the operation of the entire Mispillion Greenway. He feels it is a wonderful physical resource though no one is planning to make the maximum use of it through activities, events, etc. The Delaware Nature Society has the ability to work with the two small companies in Milford that rent and provide kayaks and provide related training, just as an example.

## NEW BUSINESS

### *Utility Box Painting*

Mr. Norenberg referenced the photos included in the packet along with related memo that states:

*Downtown Milford, Inc. (DMI) wishes to bring beauty and interest to the City by decorating utility boxes within the Downtown area of Milford. With "River Town, Art Town, Home Town" being our motto, this project makes perfect sense for our future and we'd like to use the near complete utility box on Walnut and Southwest Front Street as the pilot project.*

*Local artist Nadia Zychal adorned the utility box as a tribute to Delaware with local flora and fauna, a Blue Hen, a horseshoe crab and of course our beloved ladybug. The work of art will also include our state flag creed "Liberty and Independence."*

*This pilot utility box has been primed appropriately, uses strong acrylic paint, and will be seal coated to make future graffiti washable. DMI will take full responsibility to maintain the box should any future damage or wear and tear occur.*

*DMI wishes the City's help to establish a formal program for other artists to submit their own ideas for painting other utility boxes throughout Downtown Milford. We will gladly assist in researching and applying for grants and sponsorships to help defray costs and labor compensation.*

The City Manager said to keep some control, there is a stipend paid by the City to prevent random people from painting the boxes. As stated in the memo, DMI is willing to apply for grants and sponsorships to fund the project.

Councilman Culotta said he is aware of what triggered this and because we have DMI and they have a Design Committee, he feels it is more appropriate that DMI spearhead the project by going through their design process. He does not feel it needs to be brought before City Council unless the City is planning to finance the project.

Mr. Norenberg agrees with Councilman Culotta though the City needs to be involved to designate which boxes are appropriate to paint, in addition to attempting to prevent any objectionable designs. Perhaps an agreement or MOU between DMI and the City would be more appropriate.

The City Manager only wants a nod from Council to proceed with the partnership with DMI through a simple agreement and collaborate on grant collection and designation of infrastructure that can be painted.

Chairman Boyle suggests something be created by DMI to cover the management, artist selection, maintenance, grants, funding etc. before it is presented to City Council.

He asked that the matter on the Council agenda be postponed until the plan is finalized.

Councilmember Brooks agrees a lot more information is needed before it is finalized, in particular any associated costs to our taxpayers and that the cost should be the responsibility of DMI.

Councilmember Wilson agreed adding that she likes the idea and agrees it will beautify the City in addition to providing notoriety to local artists. She also feels it is very important the art be approved in advance because the last thing we would want to do is offend someone. She prefers that once the design committee grants their approval, it be presented to City Council before the actual work begins.

The Committee agreed.

#### *Garage and Yard Sale Ordinance Change*

Planning Director Pierce explained that his department has received numerous resident complaints regarding excessive yard sales. In some cases, they are held every weekend during the warmer months from Friday through Sunday. They are also reported the items being sold are becoming much more than typical household items, which gives the appearance of a business versus a residential yard sale.

When responding to these complaints, it was determined the City Code does not define "yard sale" nor provide any conditions related to temporary activities within City limits. A boundary needs to be established between a residential yard sale and a commercial operation.

Mr. Pierce has reviewed other local ordinances and is recommending the below definition be added to Chapter 230 Zoning.

#### *Yard Sale (i.e., Garage Sale):*

*A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided, however, that such temporary sales activity shall, under no circumstances, last more than eight total days during any particular calendar year upon any real property.*

Staff is seeking guidance from the Committee as to whether a code amendment should be drafted and reviewed by the Planning Commission and City Council or if they believe the City should not regulate this.

An email was sent requesting feedback from other municipalities and it was determined that a number of other towns regulate yard sales, have time restrictions, etc. Some municipalities only allow three to four yard sales per year as opposed to eight under the County ordinance.

Councilman Culotta asked if we have had complaints from residents about excessive yard sales; Mr. Pierce stated that is the reason it is being presented for the Committee's consideration.

Councilman Brooks said years ago this was discussed and residents were only allowed two yard sales though he does not remember if it were two days in a row or two a year.

It was noted that the City of Dover and Kent County both allow eight per year; the County also limits them to two-consecutive days.

Committee members agreed they have observed some very large yard sales which sometimes include vehicles, trailers and other large items. Councilman Culotta referenced what is occurring behind Kent and Sussex Auto which he feels is more of a business operation and feels the City needs to address. He recommends it be restricted to three consecutive days and allowed two to three times a year.

Mr. Pierce explained that the only action taken would be a zoning violation notice based on the numbers the Committee recommends and Council approves. He then provided the maximum number allowed in various municipalities with three to four being the average per year.

He shared that when a complaint is received, his staff will investigate and document it. With this change, he does not feel it would be appropriate to have a requirement that residents register their yard sales with the City.

Chairman Boyle pointed out that in most developments, there are established dates for yard sales. Typically, one is held in the spring and another in the fall.

According to Mr. Pierce, it will be easier to manage the number of occurrences versus the items being sold.

Councilman Brooks said he agrees and again recalled Council establishing the number two. He also pointed out the City cannot make rules unless it is going to be regulated.

He continued by saying there is one neighborhood that has a yard sale every weekend and Council needs to help eliminate that problem.

Chairman Boyle recommends taking this to the Planning Commission to create an ordinance, then send it City Council.

The Committee agreed adding that there should be a maximum of four yard sales per year.

#### *Business License Ordinance Change*

Mr. Pierce reported that in 2016, the Community Affairs Committee investigated a Citywide business licensing program which was ultimately voted down by City Council later that year.

At the April 22, 2019 Police Committee Meeting, the possibility was revisited by Chief Brown and the Committee directed staff to review the previously proposed business license ordinance and prepare an updated version for Council consideration.

Due to this Committee's involvement in the previous draft, he felt it was important to bring it back to the Committee to gain support before moving forward.

The packet includes a copy of the updated draft code amendment with some minor modifications. The licensing program would require annual registration of businesses physically located within the City. Registration would record

the business name, phone number, physical address, contact person, phone number, type of business, number of employees and all relevant State and/or other licenses.

Mayor Campbell recalled that Chief Brown thought it was a great idea because presently, if there is an emergency on a weekend, the department has no contact information available.

Councilman Culotta said this was discussed a month or so ago and he has talked to Chief Brown about it. He appreciates what the police need as far as a contact of the different locations. He does not think that needs to be the driving force between regulating a business, which is what a business license does. Anyone with a Delaware business license pays \$75 a year regardless of the type of business. Even though that sounds like a little bit, every dollar means something to a business. He does not want to add a licensing program that is one more fee that businesses have to pay.

He stressed that Milford needs to be business-friendly and adding more regulations stifles that.

Councilman Culotta does not think it is necessary and believes it is inappropriate to divulge personal information. He said Milford is not Rehoboth where they require a business license. A business who does not want to open something in Rehoboth makes no difference, because there are plenty people standing behind that business who want to. That is not the case in Milford.

As a result, he does not think Milford needs a business license. In an effort to cover what Chief Brown is asking for, the City could have a business registration program at no cost to the business. In that case, the City would only ask for the obvious information.

He pointed out that anyone can search for a business license in the Delaware State website. If you select Milford, 1,418 businesses come up. A lot of those are outside the City limits so he thinks it may be closer to 1,000.

Councilman Culotta said the City has the ability to create a database with that information versus a full licensing program which only confirms Milford is not business friendly, which this City has a reputation of being.

It was pointed out the majority of municipalities in Delaware require a business license.

Mayor Campbell recalled that a lot of the discussion in 2016 related to businesses that provide services or items that did not work out of a brick and mortar establishment.

Councilmember Brooks recalled that when Council talked about business licenses before, it only applied to the private trash trucks that come into the City so the information was on file to reach them.

Councilmember Wilson said when she was at the police conference, she spoke with some officers who were talking about the large number of businesses that open in their towns for six months and then are suddenly gone. Other family members or acquaintances then come in and start operating the business. In those situations, their cities have no idea of who is operating the business. She agreed that occurs in Milford frequently.

She also pointed out there are a number of businesses that have had complaints made on them and when our police department attempt to investigate, they do not have the name of the business owner, find the business name has been changed and they have absolutely no where to turn to get that information. She feels that is a problem for our police department and hinders their investigations.

She agrees with what Chief Brown is proposing. However, the fee is not that important and the reason it is only being proposed at \$50.

Councilman Culotta said he is the only one on City Council that as a small business, and he knows what \$50 means to his business. He reiterated that the City can create a business database that is of no cost to the business.

Mr. Pierce then referenced the exemption list under Section 190-8 in which they attempted to draw a line between the brick and mortar companies and an Avon representative or some other person working out of the house. They drafted language based on previous conversations that legal home occupations, by right, would be exempt.

He also reported that Milford is one of three communities out of the top twenty most populated in Delaware that does not have a business license.

Mayor Campbell disagrees this does not mean Milford isn't business friendly, but instead confirms accountability.

Chairman Boyle asked Chief Brown if the information on the website is accessible; Chief Brown said it is not. He explained the way it would work is the City would handle it as part of their existing software that the police department uses for payroll and purchases. As the City updates the database, his employees would be able to view it. If his employees had to go through the State, in his opinion, it would take too much time on a daily basis or even every week or couple of weeks.

Planning Director Pierce recalled some comments Chief Brown had previously made in regard to enforcement capabilities for nuisance properties. This would also provide a way to revoke a license should the police come across a business that is creating issues for his department.

Chief Brown agreed stating he had three reasons he wanted it. To assist with fining the correct business for false alarms. Right now, without knowing when a new business moves in, they may be fined after only one alarm because the first two occurred when the previous business was there.

The department has also tried to maintain a good database of businesses and any pertinent information needed during an emergency. Once an incident occurs, and they have no idea who to contact, and the next day an officer is sent to obtain contact information. A business that does not have a problem, never has their information on file at the department.

The last benefit is properties with reoccurring criminal activity. He commented there is a lot of time involved in developing a case using undercover police, before an arrest can finally be made. The arrest is for that person who did the crime. But often the activity continues at the property and in most cases, they just move another person in to oversee the activity so there is no way to control that. If a business license could be revoked because of criminal activity, that would save his officers a lot of time.

Councilman Culotta asked if a Certificate of Occupancy (C of O) could be revoked instead; Mr. Pierce said that pertains to the condition of the building. Councilman Culotta disagreed stating that a C of O has to apply to a number of things, like kitchen inspections for restaurants. Councilman Boyle pointed out that someone dealing drugs out of a kitchen is a criminal offense and not a building issue.

Mr. Pierce said if the property were condemned, they would have to get obtain another C of O to operate the business. He does not believe a building can be condemned for that type of activities.

Councilman Boyle recalled discussing this in April and thought it was agreed the license fee would be \$25; Councilman Culotta agreed it is much higher now at \$50, which is in addition to the 10% penalty should a business not pay it. Chairman Boyle noted that is a way to encourage someone to pay the license fee on time, which is the case with any bill.

Mr. Pierce emphasized that the draft is simply that; all items are flexible and he highlighted the areas he felt needed to be determined.

It was agreed that we need to know what is going on in our own town. Councilman Brooks agreed the key is to get the information so that we know who to call if there is a problem.

The consensus of Council is to move forward with the ordinance.

When considering the fee, Mr. Norenberg suggested we first look at the cost of staff time to administer this. He would not want the City to lose money which would then become a burden on the general fund. There are a number of costs associated with processing, mailing renewals, as well as maintaining and updating the list throughout the year.

The Committee agreed the ordinance should go directly to City Council versus coming back to the Committee.

Councilmember Wilson moved to proceed with the ordinance, seconded by Chair Boyle. Motion carried with no one opposed.

*Civic Service Club Signage*

The City Manager referenced the Service Club Welcome to Milford sign west of the police station. That sign was erected approximately a year ago for a number of service clubs signs. Currently, there are two blank locations and the City has received a request from a business that is not a typical service organization.

They have contacted organizations who may be interested but have had very little response.

Milford Chamber of Commerce has asked to add their sign. Though not a service club, the Chamber is an important organization in our community.

He asked how the Committee wanted to handle this, adding that if the Chamber wants to do this, perhaps DMI will want the other space.

Councilman Culotta said if the Chamber pays for it, and no other eligible service organization is interested, he will agree.

Mr. Norenberg confirmed that the City paid for the sign framework and each organization pays for their logo sign and any meeting information, etc. The total cost is approximately \$150.

Chairman Boyle then reviewed the two options offered and recommends option 1.

1. Allow additional entrants on a first-come, first-served basis. Requestors will need to pay for the cost of the sign (\$150) and must be considered a non-profit, but not necessarily a service club (i.e. Chamber of Commerce for Greater Milford).
2. Allow additional entrants on a first-come, first-served basis. Requestors will need to pay for the cost of the sign (\$150), but they must be charitable non-profit service organization.

Committee members agreed with Chairman Boyle and directed the City Manager to proceed.

**ADJOURNMENT**

There being no further business, Chairman Boyle adjourned the meeting at 6:33 p.m.

Councilman Brooks said Chairman Boyle did a great job running the meeting.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 8, 2019

The City Council of the City of Milford met in Workshop Session on Monday, July 8, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:38 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniele Marabello, 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 Recorder Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

*Milford Housing Development Corporation Presentation*

Mayor Campbell introduced Dave Moore.

Mr. Moore said he is President/CEO of Milford Housing Development Corporation (MHDC). Previously he was a consultant for USDA and has been with MHDC for the past nineteen years.

MHDC was established in 1977 by a group of local citizens spearheaded by Reverend Frank Lucia. When the Academy School was condemned, they stepped in, demolished the building and built Academy Apartments that remain today. About ten years ago, they rehabbed that property, without taking on any more debt and without changing the rent structure.

Until the mid-eighties, MHDC met on that property. In the early 1990's, they were able to secure a grant for Milford Housing called Self-Help Housing. That enabled them to hire some staff to start that program in the mid nineties through the United States Department of Agricultural. Their first sixteen homes were built through that program.

Marshall Manor, a senior rent-controlled 36-unit complex, was built in 2000. Since then, several properties have been done not only in Milford, but in Kent and Sussex Counties.

In 2000, when Mr. Moore was hired, there were three staff people and approximately \$2 million in assets. Today, they have 142 staff in three states and slightly more than \$70 million in assets.

Mr. Moore provided the following information:

Main programs include:

- Statewide Emergency Repair Program
- Self-Help Housing Program
- Single Family Home Development
- Multi Family Home Development

Other Services Include Transitional Housing, Property Management, Preservation and a Homebuyer's Club.

In 1990, the Central Delaware Habitat in Dover was started. The Self-Help Housing Program is very similar though the big difference is the mutual labor. Families work together on each other's homes.

With the Habitat model, families put in 250 hours and other people worked on weekends to build the homes. The first program in Delaware was based in Milford in 1998.

They did not build any self-help homes in Milford because though they had land, but did not have families. This is program not suited for everyone because the families do everything except the mechanicals, masonry, plumbing,

heating, electric and finished flooring which are contracted out. Families work on framing, siding, windows and doors, roofing, interior trim, cabinets, counter tops along with Milford Housing's Construction Supervisors.

Families are realizing about \$33,000-\$34,000 in equity, which is the difference between the appraised value and the mortgage.

They also leverage other financing through the Federal Home Loan Bank and other sources to make mortgages work for the families.

MHDC only serves below 100% of median income. Technically, most of the homes are below 80% of median income.

For Kent County, a four-person household can only make up \$53,500 and below. Families put in about 1,500 hours to get homes compared to 250 hours spent by Habitat families.

To date, they have done more than 200 self-help homes and right now have twenty-five under construction within the two counties.

The statewide emergency repair program is a program with a long history in Delaware, operated by First State Resource Conservation and Development Council (RC&D), and administered through Kent County. This involves emergency repair services for seniors at no cost to them. As long as they own their home and meet the income restrictions, MHDC will do the work as far as health and safety type issues.

But because they no longer wanted to continue that program, the five employees were laid off and 200 rehabs were going to be stopped.

All five staff members laid off were immediately hired by MHDC in 2011 which kept the program going. Many volunteers help with this program. This year, they have done 112 projects for seniors.

MHDC owns about sixty multi-family complexes in Sussex, Kent, New Castle Counties and eastern shore Maryland. They also manage approximately 2,300 units in Delaware, Maryland and eastern shore Virginia. Though they are not just in Milford, they are keeping that name and want to do more here.

They are very astute at tax credit development. He explained the difference between affordable housing and for-profit housing is a construction guy. For MHDC, non-profit development and affordable housing development is all about not giving up quality for affordability. They ensure these families have energy-star type housing, and are quality built with the intent of being there long term.

MHDC has a family of companies they own. They include East Coast Property Management, Ground Control LLC (site development) and Mission Builders (general contractor). Mission Builders built the two homes on North Street for Dan Bond, in addition to other construction opportunities in Milford and Kent and Sussex County.

ZeMod is a program involving a zero-energy house. MHDC worked with various partners, including the Delaware Sustainable Utility and Vermont Energy. The program was introduced as a way for families to get into a house with a utility cost of approximately \$100 a year.

It was at the Delaware State Fair for two years. The single wide model remains at Beracah Homes, who is another partner. The ranch-style house is in their subdivision in Lincoln and is currently being assembled. Two houses have been sold and the EPA is monitoring them for utility usage and cost effectiveness.

Mr. Moore commended both Mr. Pierce and Mr. Norenberg who have been excellent to work with. Commenting on several valuable resources that have been brought to Milford under their leadership, he is particularly pleased with the \$350,000 Strong Neighborhood Grant in the City of Milford.

MHDC works with the DDD in Milford and looks forward to doing more.

He feels this is a great opportunity to let Council and public know about their programs and who to call. If someone wants something done and is experiencing a housing issue, he wants them to call him.

Mr. Moore said the staff here is tremendous and in the nineteen years he has been in Milford, this is the first time he has been invited to Council to share what they do publicly and appreciates it.

Councilmember Wilson stated that Milford Housing has been a blessing to many people in Milford. She appreciates the work they do and whenever she has called Mr. Moore to help a family that has come into her office, he is always very willing or finds resources that can help them. It is often a family who is at its lowest peak.

She commended him and the efforts he puts forth helping families.

When asked to comment on mortgage assistance, Mr. Moore shared that traditionally a person obtains a mortgage from a bank or a mortgage company which involves a 15/20/30-year rate at note rate. They do between 40 and 50 loans a year through USDA because most families qualify income wise. He has one person that works for the City of Milford that went through their self-help program and Mr. Moore is proud he is still in that same home today.

Mr. Moore explained this is the best mortgage in the world. He is bank director of a community bank in Milford and there no way his bank could do what the USDA does. For instance, today's note rate is 3.5% with the USDA. That means if you at 80% of median income and you obtain a \$150,000 loan, the interest rate will be 3.5%. A lot of families in Milford are not at 80%. Forty percent are below 50% of the median income.

USDA allows a sliding scale on income. They will take it down to 1% and will extend it to 38 years if needed. This provides families an opportunity, with taxes and insurance, to make a house payment that is less than what they are paying in rent. It is important to know that people working at restaurants and stores are able to afford their own home through his company.

He further explained that as their income goes up, and though they may have started at 1%, it can actually go to 2%, because every fourteen months, their income is evaluated.

The federal government is only subsidizing the difference between the interest rates. The family is still paying all the principal and a reduced interest rate until they can get on their feet financially.

This mortgage also has a safety net according to Mr. Moore. Should they lose their income and go down to zero for several months before they can find another job, USDA can put a moratorium on their mortgage. They will not lose the home and instead tack those payments onto the end of the term. Instead of 38 years, it may end up being 38 years and nine months, etc. That can be done up to twenty-four months for the life of the loan.

Of the 200 houses that MHDC has done, there has only been one foreclosure and most of those families remain in those homes today.

Mayor Campbell commended Mr. Moore and MHDC noting they work they do to help families is phenomenal.

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

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 8, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 8, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, 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 Recorder Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:01 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the May 28, 2019 Joint Workshop, Committee and Council Meetings and the June 10, 2019 Council Meeting.

A minor change will be made to those Councilmembers in attendance at the May 28, 2019 meeting.

Motion to approve, with attendance change, made by Councilmember Brooks and seconded by Councilmember Wilson. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown. With no questions from Council or comments by Chief Brown, Councilmember Boyle moved to accept the monthly police report, seconded by Councilmember Peel. Motion carried.

#### MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report, noting that the Public Works and Finance Department will forward their information this week.

He referenced the year to date figures compared to last year that showed a number of increases in several key areas including residential permits, rental inspections performed, code cases closed, etc. The City Manager attributes that to having two code officials in-house who are able to address these matters in a timelier manner.

Also referenced is a survey related to the City's Dog Park. The P&R Advisory Board asked that a survey be prepared and he and Parks and Recreation Director Dennehy have been working to get additional input from its users for several months.

When Mr. Dennehy returns from vacation, they will review those results. In the meantime, Mr. Norenberg will send the link to City Council who can share it with any interested persons.

Councilmember Marabello asked the difference in the Economic Development Private Investment for the year ending 18 (\$11 million) and 19 (\$2 million); Mr. Pierce stated that the year to date 18 column includes all projects since the inception of the program in September 2016. The right column only includes this fiscal year.

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

#### MONTHLY FINANCE REPORT

Finance Committee Chairman James reported that he had some questions that Mr. Portmann will answer them when he returns to work.

He acknowledged that the report covers eleven months or 92% of the fiscal year.

In regard to the fund balance report showing the cash balances, reserves and impact fees, he is unsure what portion are already encumbered and if this is a complete picture of the City's finances. He is asking because the total of everything is \$43.8 million and the audit shows amounts well above that.

As of May 2019, revenues are at 94% and expenditures are at 81%.

Chairman James pointed out that if June were to replicate May, the year should end with revenues at 102% and expenses at 92% of the budget, providing a favorable variance and total of approximately \$4 million, give or take \$200,000. He noted that is around the same number for last year, though there was a forgiveness of debt of \$1.3 million at that time.

Of the \$4 million, \$1.4 million would be in water, sewer and solid waste combined and about \$2 million from electric sales.

The Chairman confirmed that the City continues to enhance its funds, and though he is unable to speak of restricted or unrestricted funds, it still will result in a favorable variance.

Councilmember Boyle moved to accept the May 2018 Finance Report, seconded by Councilmember Wilson. Motion carried.

#### COMMITTEE & WARD REPORTS

Councilmember Culotta said he has a comment from the Little League. At the corner of South Washington and Fourth Streets, there is some parking overlap that is making it difficult to get up and down Fourth Street. He recommends the City paint the curbs yellow which he believes will resolve the problem.

He also pointed out that he is seeing a lot of growth downtown between the bricks on the sidewalks. He has been told the City has an attachment that connects to the street sweeper that sprays weeds.

Public Works Director Whitfield explained the attachment will spray up to the curbing but not onto the sidewalks.

Councilman Culotta asked what is being done to address this problem; Mr. Whitfield indicated that is part of the property owner's responsibility though there are areas that fall under the City adjacent to the parks. It was agreed the sidewalks adjacent to the stores are the responsibility of the property owner, as with any residential property.

Mr. Whitfield noted that they generally paint every year and spray on a regular basis. However, the amount of rainfall this past spring resulted in a not so successful year. He asked anyone that notices an area that has been missed, to contact him with the information.

Councilmember James added that the weeds on the outside of the curbs on his street that meet the road are much higher than normal.

The Public Works Director did note there are areas that are inaccessible due to parked vehicles. His staff has been working with those residents to notify them not to park in specific areas during a certain time.

Councilman James also reported that the sidewalk has been repaired that was damaged by the water pits on James Drive on the corner. However, there is another sidewalk with the same problem at the adjacent property. When the repairperson was questioned, he stated that it was not on his list.

Public Works Director Whitfield will follow up.

Councilmember Peel said she is happy that someone is working on the sinkhole on Lakeview. Mr. Whitfield said he is not familiar and believes that is a DelDOT project.

Councilmember Morrow said he knows Mr. Dennehy is on vacation, but the grass at the cemetery is getting out of control on the southside. He said the contractor does not spray between the headstones and there is very little trimming going on. Some of the weeds are at least a foot high.

Mr. Norenberg will follow up with RJ Skinner tomorrow morning.

Councilmember Culotta said for the public record, he had a neighbor that requested a light pole be moved from a portion of his property that somewhat blocked his driveway. The new Electric Superintendent Will Gallagher took the call and actually did the work last week. His neighbor is very happy with the work and quick turnaround.

#### COMMUNICATION & CORRESPONDENCE

Mayor Campbell then reported that during the Community and Economic Development Committee meeting, they discussed how many yard sales a person can have. He has received a lot of phone calls and photos sent by residents complaining about that situation.

The Planning Director did a survey and learned that many surrounding communities only allow three to four-yard sales per year though many people in Milford are having them every weekend.

The Mayor said that Mr. Pierce will follow up with additional information after it has been reviewed by the Planning Commission.

Councilmember Morrow asked if the person that sets up the sales behind Kent Sussex Tire and across from Wawa is permanent; Mr. Norenberg said the City has requested he apply for a conditional use permit because it kept growing and becoming bigger and bigger.

#### UNFINISHED BUSINESS

##### *Authorization/Milford Public Library*

For personal reasons, Mayor Campbell recused himself at this time, leaving the Council Chambers. Vice Mayor Morrow temporarily presided while the library was being addressed.

Mr. Norenberg recalled City Council reviewing a request from Milford Public Library for funding this year. A presentation followed by the Library Director and the funding was approved in this year's budget.

An agreement was created, similar to those in place with Milford Museum, DMI and others that receive funding from the City. The agreement also includes some items previously recommended by City Council.

He appreciates the time spent with him by the Library Director, Library Staff and the Board of Directors.

Library Director Kay Hudson was present and thanked City Council for supporting the library. She then provided an update of summer activities and patron numbers.

Ms. Hudson encouraged Council to attend Music in the Park held every Wednesday evening in July.

Councilman James thanked Ms. Hudson for making the restrooms available during downtown events. Ms. Hudson stated arrangements were already being made for the lower level restrooms to be open during all functions.

Councilmember Marabello moved to adopt the following agreement, seconded by Councilman Culotta:

AGREEMENT BY AND BETWEEN  
THE CITY OF MILFORD AND THE MILFORD PUBLIC LIBRARY

This Agreement, made and entered into this 8<sup>th</sup> day of July, 2019, is by and between the Milford District Free Public Library, a Delaware corporation, and the City of Milford, Delaware, a Delaware municipal corporation.

See packet for complete agreement.

Motion carried.

Mayor Campbell returned to the meeting.

*Authorization/Friends of Milford Museum*

Mr. Norenberg reported this is a renewal of the agreement with Milford Museum, who also receives funding from the City. There was increase in the financial request.

Councilmember Culotta then recused himself after stating he is a member of their Board of Directors. He left the chambers at this time.

Councilmember Peel moved to adopt the following agreement, seconded by Councilmember Morrow:

AGREEMENT BY AND BETWEEN  
THE CITY OF MILFORD AND THE FRIENDS OF THE MILFORD MUSEUM INCORPORATED

This Agreement, made and entered into this 8<sup>th</sup> day of July, 2019, is by and between the Friends of the Milford Museum Incorporated (Milford Museum), a Delaware corporation and the City of Milford, Delaware, a Delaware municipal corporation.

Motion carried.

Councilmember Culotta returned to the chambers.

*Authorization/Transfer of Equipment and Cancellation of Note with Community Cemetery*

City Manager Norenberg discussed the request to cancel the Promissory Note related to the Loan from the City by the cemetery. Recently the Cemetery Board voted to request City Council forgive the loan and take the equipment for use by Parks and Recreation, due to the hiring a private contractor who now handles the cemetery duties.

The following request was submitted:

*As you are aware, the City Council recently approved the loan of \$16,260 to the Milford Community Cemetery to purchase some new equipment, namely some mowers and line trimmers which were worn out.*

At this time, the Milford Community Cemetery is having the grass cut by a contractor, which is of a considerable saving to the City, both in time and money. This means that the equipment purchased is no longer needed at the cemetery and has not been used in the cemetery at all this year.

Parks and Recreation as part of the capital budget of 2018-19, identified the need for new mowing equipment as was approved by Council. His employees have evaluated the equipment purchased for the Cemetery and believe it would be of great use to the Parks and Recreation Department for use elsewhere in the City.

The capital funds appropriated for mowing equipment are still available and it is my recommendation that we go ahead and purchase the equipment back from the Cemetery board for the original asking price. Any changes or amendments to the original contract will go through our attorney.

Mr. Brooks moved to approve the cancellation of the related Promissory Note signed on April 1, 2019, seconded by Councilmember Morrow. Motion carried.

*Update/Replacement/Cost Estimate/Milford Police Station*

Architect Brenden Frederick of Becker Morgan Group was present reminding Council he was overseeing the plan for the replacement police station.

Mr. Norenberg referenced the documents included in the Council packet and the most recent cost estimate prepared by Richard Y. Johnson (RYJ).

Mr. Frederick reported that Becker Morgan has been working with the police updating the space plan and layout, though there remains a couple moving parts with the site as things continue to be developed. At this moment, he wanted to present the original site plan concept 1, which shows the new 30,000 square foot facility closest to the road. However, there is still time to move it back further as other decisions are made.

Using the building layout and site plan presented, they engaged RYJ who is actively completing Troop 7 in Lewes to develop a concept budget. It is an excellent comparison as those bids were received one year ago and the two facilities are of a similar scale and similar site.

He explained the costs are separated in columns, based on the main facility (department), maintenance building (secondary outbuilding) and totals.

Mr. Frederick reviewed the following:

Base building costs (straight trade cost):

	<i>Main Building</i>	<i>Maintenance Facility</i>	<i>Total</i>
	\$13,006,295.80	\$ 877,510.14	\$ 13,883,805.94

Adding in CM (construction management) costs:

Project Grand  
Total

<i>Project Grand Total</i>	\$ 13,959,710.59	\$ 937,976.64	\$ 14,897,687.23
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*Project Grand Total  
Contingency &  
Bond Costs*

\$ 14,619,559.53	\$ 982,456.81	\$ 15,602,016.34
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Mr. Frederick explained the \$15.6 million includes all site costs and building costs for the structure.

He also discussed the associated soft costs that include items like telephones, computers, furniture, etc. Again, this was based on the Troop 7 facility. Approximately \$600,000 is estimated for access control/security cameras, etc. that is already included in the concept budget.

Telecomm / Data - \$300,000  
Phone System - \$ 75,000  
Security / Access Control - \$450,000  
Furniture - \$650,000  
Subtotal - \$1,475,000

When asked if furniture is included, Mr. Frederick said furniture is a separate number and \$300,000 is that estimate. The Troop 7 budget incorporates racks, computer systems, etc., though all of that may not be needed for Milford's facility. They had a phone system budgeted at \$75,000 that contains all handhelds, cabling, connections, etc. Their furniture was budgeted at \$650,000 of which evidence items such as high storage racks for evidence, work stations for their detectives, etc. are included.

Mr. Frederick reiterated the Milford facility is a very similar size to Troop 7 though the furniture package in Milford could be less.

When asked for a rough soft cost total, Mr. Frederick believes around \$1 million.

Mr. Norenberg explained that one reason this conversation was held up until July was because he was working with our State Legislators and the Bond Bill to help with the project costs. They asked for a lot of money and were coached to ask for \$3 million this year and \$3 million next year. They were given an allocation of \$300,000 which at least is some help in reducing the total project cost.

The City Manager has also talked with local Legislators about the possibility of getting CTF money allocated for the site improvements including roads, parking lots, sidewalks, etc. Potentially, he anticipates another \$200,000 to \$300,000 from that funding source.

Mr. Norenberg continues to find ways to reduce the total project costs through grants and other assistance. He also worked with Chief Brown to acquire funding from our Congressional Delegation but struck out in Washington DC in terms of DOJ and similar forms of funding.

Another item discussed by Council, created by the needs of the City Hall building, were the costs of moving elsewhere. As a result, RYJ did a quick synopsis to add enough space next to the community room, which would be used as a Council Chambers, for offices for the Mayor, City Manager, City Clerk and other City Hall and HR staff. However, very minimal space was added and a rough estimate of \$1.5 million was provided for comparison purposes.

They did not spend a lot of time on that, though the numbers can be used to compare the costs of a new building to what is needed to repair City Hall.

Mayor Campbell did not recall discussing adding on to the police facility. He recalls the Vale family donating the building and property. under the condition it be used by the City.

Mr. Norenberg stated that is correct. The property must be used as a public facility to conduct municipal business. However, he did recall conversations about using other portions of the site for a City Campus which is why this number was obtained. Becker Morgan offered to provide an estimate for conversation and cost estimation purposes only.

Mr. Frederick said this would add roughly 3,500 square feet and not a straight correlator to the cost per square foot which is why he had RYJ look at it.

Mr. Norenberg emphasized this is for financial comparison only and not a recommendation. By providing this information, he hopes to get additional direction tonight. During the last conversation, it was asked to have a clear understanding of the price tag and what has been done to reduce costs and find other sources of funding, before moving to the next stage of the project, which is to engage the public and obtain their feedback on the site, the appearance and the use of the public spaces.

He reported that he, Mayor Campbell and Finance Chair James met with Finance Director Jeff Portmann to discuss the financing. The cost of service studies needs to be completed in order to know how much of the uncommitted utility funds can be used toward this project.

When asked the estimated cost to repair the basement, Mr. Whitfield explained that he did not have a total cost yet, because Council had asked for an estimate to do the chimney work. What was presented that evening, not including the chimney work, was roughly \$250,000.

Councilmember Culotta said that did not guarantee it would not occur again. Councilmember James feels that guarantee is a strong word, though they did say based on their recommended solution, it would more than likely not occur again. If that would give an additional ten or fifteen years, that would be worth it, versus asking another \$1.5 million from our taxpayers.

Councilmember Culotta added that to Mr. Norenberg's point and agrees it makes sense to look at the budget and consider where we have had overages or available money in order to keep it as digestible as possible to the taxpayers.

Councilmember James recalled that at the end of last fiscal year, Mayor Campbell pointed out there was \$33 million in reserves of which \$7.4 million is in governmental activities and \$25 million in business type activities. Of that, \$12 million is in electric reserves. He emphasized that Mr. Portmann's concerns are correct. The cost of service study will tell us what needs to be done in the future for substations at a cost \$8 to \$9 million, etc. However, Councilman James wonders when that amount would be needed. Depending on the timing, there is a need to consider additional reserves that will continue to build. He feels there is a need to be crystal clear of what we present to the public and how much money can be spent for the police department out of reserves.

Councilman James also reminded Council the Finance Department continues to work on the required amount of reserves. Until those numbers are provided, City Council cannot say how much will be needed for bond issuance or what can be taken from reserves.

Councilmember Peel mentioned the number of dependent variables and the cost study that needs to be completed in order to provide a projection of what that policy should be. She agrees that \$33 million sounds very grandiose, but it is not unencumbered. Council agreed there are a number of uncertainties to consider.

Mayor Campbell said that he is also considering that once City Hall is retrofitted, the Finance Department may also fit here. Then the City could sell that building.

Councilmember Culotta asked that when we consider more City offices on this site, does that open up new avenues of public funding sources that could contribute to the project versus only calling it a police facility; Mr. Norenberg said that unfortunately, in terms of grants, it is pretty doubtful. There is very little funding available for brick and mortar projects through grants and foundations. He has found they are not interested in funding buildings that should be paid through normal revenues.

He explained that as Councilman James was discussing, utility funds could be used for a particular part of our operation, such as a customer service building. Also, another bank may be interested in the customer service building which would definitely be an asset to the downtown businesses. Then we could move that function to this site which would still be very accessible and easy to find for our customers.

Mr. Norenberg also noted that the basement upgrades were referred to the Finance and Public Works Committee and will be discussed in August.

Councilmember Marabello then asked where the cost for the engineering and architectural fees are found; Mr. Frederick said that is not included in this budget, but will be based on the State Wage Scale of 6% which is \$936,000. He will add that to the proposal.

Mayor Campbell asked that he provide a picture of everything, from furniture to bond costs, etc., from this point on.

Councilmember Marabello established that the additional engineering fees take the project over \$16 million.

He then pointed out we have a lot of historical information related to operating costs. We also know we have a capital budget for five years and require a variable projected cash flow with every account, including necessary reserves. Then we can determine how much money we will have. He thinks we could handle this for the next five years and come close to having the money at hand.

The change in that position was almost \$4 million per year average and last year was \$7 million.

Mr. Frederick said there are a couple items that need to be determined. One is whether to build in the front of the site or in the rear. They need that determination to help zero in on the site costs.

Mayor Campbell feels Chief Brown should make that decision; Mr. Frederick said that Chief Brown left that up to Council because of the upcoming public input and what was occurring with this building. He will continue to work with Chief Brown and present the recommended options to Council.

Mr. Frederick said as referenced, the other issue is the engagement of the public. They need to understand that the police are to protect and serve. Unfortunately, a lot of interaction is negative whether it is a speeding ticket or something else. He thinks the engagement of public allows some positive interaction so our voters will understand it is not just a place for the police to hang out. They can see the wonderful community room available for use. In addition, they will have a voice about what they like and what they want to see at that police station. However, they will not get into the details on the police business end because that needs to be secured and maintained by the police.

This process has been done with school referendums and engaging the community is very helpful and gets those residents excited about the project.

Once they receive the final site information, the building will start to go from 2d flat to an elevated three-dimensional piece.

That will also help zero in on the final costs, because right now they are basing everything on the materials and costs of the Troop 7 facility.

When asked the LEED level included in the pricing, Mr. Frederick responded that the certification components were not included though the State standard is to pursue LEED silver. They have every intention to make it a LEED silver compliant facility.

He explained there are some things in a LEED program that are added just to get one point, but do not have a usefulness for the building. However, they will make every opportunity to make it a sustainable, energy-efficient facility for the future.

Typically, those energy design components are incumbered in the design. There are additional administrative costs associated that would increase the total project costs. This is another review for point criteria which involves a lot of administrative time to be eligible for that plaque.

Mr. Frederick can design the building with a plaque and one without though both will perform the same.

Depending on the level, an application fee for a building of this size will be approximately \$8,000. However, the associated administrative costs will be well over six figures as this involves a third-party certification.

Councilmember Peel remarked that Mr. Frederick just spoke about four additional costs that are not included in the estimate cost. She recommends the number be clearer which will help with being transparent with the public.

Mayor Campbell then asked whether the building will be a police-certified building; Mr. Frederick said that is CALEA accreditation which requires a number of upgrades. That is the reason the holding area looks larger and is based on all sight, sound and separation requirements. Those standards will be followed to allow the building to be CALEA certified.

He verified that both new Troops are CALEA certified.

Energy efficient requirements were again discussed. Mr. Norenberg noted that certain rebate programs may be available through Efficiency Smart.

Mr. Frederick then recalled that the public engagement was postponed because of the lack of fiscal information. They have been waiting for City Council to direct them to start setting up the meetings. They are also willing to work with the PR Firm the City hired for this project. He suggests even a roundtable session in this building to engage the public.

Mr. Norenberg said if Council is ready to move forward, he and Chief Brown will meet with Becker Morgan to develop that schedule and establish site locations and communicate that back to City Council.

In the meantime, the cost of service study will continue so that the next time a cost estimation is needed, more financing information will be available. At that point, they can consider posting public feedback. He said they will work together simultaneously over the next few months.

Councilman Morrow said the sooner the better and he wants to get the ball rolling.

#### NEW BUSINESS

##### *Authorization/Public Art/Utility Box Painting*

Mr. Norenberg mentioned that this item was discussed earlier at the Committee meeting, and DMI will work on a proposal which will be brought back later this summer.

No action needed at this time.

##### *Adoption/Resolution 2019-09-Solid Waste Division Amended Fee Schedule*

The packet includes the new fee schedule with two highlighted items. One will increase the solid waste fee from \$25 to \$26, which was included in the new budget. Because of that, an updated resolution has been created. Councilmember Wilson moved to adopt Resolution 2019-09, seconded by Councilmember James:

**CITY OF MILFORD  
RESOLUTION 2019-09  
SOLID WASTE FEE SCHEDULE**

*Now, Therefore, be it Resolved by the City of Milford:*

<b>SOLID WASTE FEES</b>		
<b>Description</b>		<b>Fee</b>
<i>Trash, Recycle, Yard Waste Collection</i>	<i>Residential</i>	<i>\$26 monthly per dwelling unit</i>
	<i>Non-Residential</i>	<i>\$26 monthly per dwelling unit</i>
	<i>Multi-Unit Rental Complex</i>	<i>\$25 monthly per unit or; \$150 month/3 CY container 1 x per week collection; \$300 month/3 CY container 2 x per week collection</i>
	<i>Additional Container-Trash</i>	<i>\$5 monthly per container</i>
	<i>Additional Container-Recycle</i>	<i>\$0</i>
	<i>Additional Container-Yard Waste</i>	<i>\$3 monthly per container</i>
<i>Deposit</i>	<i>Rental Unit</i>	<i>\$100</i>
<i>At-Door Collection</i>		<i>\$10 monthly for commercial customer; No charge for special assistance customers</i>
<i>Missed Collection</i>		<i>A complimentary pickup will be provided for initial request; additional requests will result in a \$25 fee being assessed per request during the twelve months succeeding first request</i>
<i>Special Pick-up Request Collection</i>		<i>\$25 per collection</i>
<i>Container left out on street/sidewalk after collection day</i>		<i>\$5 per day</i>
<i>Temporary Suspension of Service</i>	<i>Container Removal</i>	<i>\$35</i>
	<i>Container Redelivery</i>	<i>\$35</i>
	<i>Account Reconciliation</i>	<i>\$100</i>
<i>Bulk/Brush Collection</i>		<i>Two collections of 4 CY each are included during a twelve-month period with residential service; \$50 fee will be assessed for each additional collection of 4 CY starting with third request</i>
<i>Private Haulers</i>	<i>License</i>	<i>\$ 150</i>
	<i>Vehicle Registration</i>	<i>\$ 250 each truck</i>

**Resolution 2019-09 replaces Resolution 2018-14 in its entirety.**

**Adopted and Effective: July 8, 2019**

Motion carried.

*Introduction of Ordinances:*

Mr. Pierce referenced the following ordinances scheduled for introduction this evening. They will be back before Council for public hearings on July 22, 2019.

He explained the first five ordinances are all amendments to the Comprehensive Plan and recalled a brief discussion with City Council several few months ago.

The following ordinances were introduced:

*Ordinance 2019-25  
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan  
Amendment/Transfer of and Increase to Receiving Areas*

*Ordinance 2019-26  
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan  
Milford Marina Enterprises LLC  
Future Land Use Designation Change*

(East of Beaver Dam Road and South of Route 36, near the Route 1 Overpass).  
Moves zoning line to square off property for a better project.

*Ordinance 2019-27*

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan  
Maloney, Mitchell Rentals LLC  
Future Land Use Designation Change  
(South Rehoboth Boulevard Parcels)*

*Ordinance 2019-28*

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan  
Webb, Swain, Simpson  
Future Land Use Designation Change  
(South Rehoboth Boulevard Parcels near old Putt a Rosa/Batting Cages)*

*Ordinance 2019-29*

*Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan  
K&G Associates LLC  
Future Land Use Designation Change  
(Redevelopment of Properties Surrounding the former Milford Memorial Hospital)*

*Ordinance 2019-13*

*Amendment to Chapter 200-Subdivision of Land  
Renaming and Renumbering of Sections  
Transfer of Development Rights Provisions Added*

*Ordinance 2019-20*

*Amendment to Chapter 230-Zoning  
Transfer of Development Rights Provisions Added  
(Above two ordinances tie into the Comprehensive Plan Amendment proposed)*

*Ordinance 2019-22*

*K&G Associates LLC for a Change of Zone  
Current Zoning: H-1 (Institutional Development); Proposed Zoning: OB-1 (Office Building)  
Present & Proposed Use: Medical Office  
Size/Location: .29 +/- acres of land located at 302 Polk Avenue  
Tax Map & Parcel(s): 1-30-3.08-067.00  
(Relates to Comprehensive Plan Amendment Ordinance 2019-29)*

*Ordinance 2019-24*

*Limitless Development Company LLC on behalf of Milford Marina Enterprise LLC for a Change of Zone  
Current & Proposed Zoning: R-3 (Garden Apartment & Townhouse) and C-3 (Highway Commercial)  
Present Use: Vacant; Proposed Use: Planned Unit Development and Commercial Residual Land  
Size/Location: 12.90 +/- acres of land located at 19859 Cedar Beach Road  
Tax Map & Parcel(s): 3-30-7.00-035.00, -036.00 & -037.00 (portions of)  
(Relates to Comprehensive Plan Amendment Ordinance 2019-26)*

*Ordinance 2019-23*

*Beach Babies on behalf of Liborio Watergate LLC on for a Conditional Use  
Current Zoning: R-3 (Garden Apartment and Townhouse District)  
Present Use: Vacant Land; Proposed Use: Day Care Center  
Size/Location: 1.82 +/- acres of land located at the northeast corner of Watergate Boulevard North and  
Marshall Street within the Watergate subdivision  
Tax Map & Parcel(s): 3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00*

*Resolution 2019-05*

*Adds TDR Credit and Police and General Government Enhancement Fee to the Planning Department Fee Schedule (to be adopted in conjunction with the related Ordinances).*

All ordinances will be reviewed by the Planning Commission at their July 16<sup>th</sup> meeting.

**ADJOURNMENT**

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

The Council Meeting adjourned at 7:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 22, 2019

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, July 22, 2019.

PRESIDING: Chairperson Katrina Wilson

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:  
Councilmembers Michael Boyle, Lisa Peel and Councilman James

Councilmember Todd Culotta

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

Chairperson Wilson called the Committee Meeting to order at 6:30 p.m.

*Update/Determination Replacement Milford Police Facility*

Associate Principal Brenden Frederick of Becker Morgan Group was present. He stated he was present to answer any questions and clear up any miscommunication.

He referenced the revised budget (attached) adding that the previous budget presented at the June 24<sup>th</sup> meeting was specific only to the construction numbers. It did not include soft-cost components which have since been added. Items 1 thru 15 of the MPD Cost Estimate remain the same.

Mr. Frederick then spoke about the following line items:

	Base Bid Building A1	Base Bid- Maintenance Building	TOTALS
Security Sub Total	552,268.80	10,472.34	562,741.14
Structured Cabling Sub-Total	135,360.00		135,360.00
Basic Building Cost	13,006,295.80	877,510.14	13,883,805.94
Design Fees 6%	939,288.00		
FF&E/IT Fees	1,025,000.00		
Construction Management Fees*	660,314.79	43,975.51	
PROJECT GRAND TOTAL	15,923,998.59	937,97.64	16,861,975.23
Contingency	520,251.83	35,100.41	555,352.24
Bond Cost	159,239.99	9,379.77	168,619.75
Owners Contingency	796,199.93	46,898.83	843,098.76

\*Based as a Construction Management Project

PROJECT GRANT TOTAL With Contingency & Bond Costs	17,399,690.34	1,029,355.65	18,429,045.98
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Mr. Frederick explained that the owner contingency is 5% of the project costs, though the City can elect to carry 3% or 8%. If nothing is spent from the contingency, that money is returned to the owner at the end of the project.

He assured Council that as the project progresses through different iterations, regardless of if it involves the schematic design, design development or construction documents, they will review the budget and re-evaluate as the City wishes throughout the process.

Mr. Frederick said the full-project budget has been completed since the last meeting, based on the Police Department's latest plans. This excludes land costs.

Mayor Campbell pointed out this does not include the money the City will be receiving from the State that was acquired by the City Manager, nor the additional \$7 million that will be received from the City.

Councilman James recalled that when they talked with the Finance Director, he believed that number was between \$5 and \$7 million. He also recalled Councilman Marabello stating that number is murky and will be based on the outcome of the cost of service study, the amount of money needed to be maintained in each of the utility reserve accounts and the actual money earmarked for various projects in both the FY18-19 and FY19-20 budgets. However, he believes the number will be on the higher side.

He commented that cash flow will also need to be considered to ensure those funds remain available, though he suspects there will be more money available. According to Mayor Campbell, those reserve accounts increase every year.

When asked about the contingency, Mr. Frederick reiterated that the percentage fluctuates and the 4% contingency is about average, again stressing these are anticipated numbers.

He compared it to Troop 7, which is very close in square footage and level of construction. Because the troop is currently under construction, they utilized numbers based on that facility.

Councilman James asked if this estimate includes the site work considering this is on an undeveloped, vacant parcel, in addition to the amount of soil that will need to be moved. Mr. Frederick then referred to a concept site plan (not included in packet) stating yes that is included reiterating it is of similar scale and similar work that will be required to complete the entrances/exits. He also noted the need that the building will need to be built above the floodplain though the roadway cannot be raised. However, his engineers will determine what needs to be raised, where it can be raised and stressed that FYJ Contractor has a lot of experience in these areas.

Councilmember Peel referenced the meeting when Councilman James and Marabello met with the City's Finance Director and asked if he is confident there is sufficient money in reserves to fund one-third of the project.

Councilmember James said Mr. Portmann is confident there is \$5 to \$7 million that can be used and that number could be higher. The reason they asked that question is because anyone that looks at the budget sees the amount of unrestricted funds that have accumulated over the years. However, the Finance Director was quick to point out there are major projects planned in the electric department and a lot of unknowns, that those electric reserves will need to cover. That is the reason a determination is needed about how much is anticipated to be accumulated at that time and how much cash can be expended.

He said that is the only way City Council can make an informed decision and emphasized the results of the study will be vital.

According to the Public Works Director Mark Whitfield, he can provide the timeline on when that money will be needed and how much must be kept in reserves, based on population estimates and equipment and vehicle needs.

Councilmember Boyle said that over a year ago, Council asked for a policy on how to handle reserve funds and we have not yet been able to develop that. He does not believe this decision can be made until that policy is in place.

Councilmember Boyle also prefers to hear from the Finance Director exactly what money is available for this use. He prefers to see a solid plan and right now it appears Council is only shooting in the dark. It would be risky to go to referendum without knowing how much money is available for this project. Right now, it appears we are stumbling along and only hoping for the best.

Councilmember Peel agreed.

Councilmember Boyle continued by saying in the meantime, the project is moving down the road with the hope of pursuing a financing program without knowing where we stand with the City money.

He also asked Chief Brown to comment on the project, as there has not been a review from the police department's perspective.

Councilmember Boyle said he would like to hear how the department feels as Chief is the one with the expertise and Council has not had any reassurance from him up until this point. He also wants to know that this building will work ten years from now. Councilmember Wilson agreed but added she wants to know it will work twenty or thirty years down the road.

Chief Brown said the building being presented is the result of him working with Becker Morgan. Mr. Frederick offered to show snapshots of the process and how they arrived at the floor plan and site.

Councilmember Boyle recalled Mr. Frederick talking about that in the early stages, but only wants reassurance by Chief Brown this is what he wants, needs and will work in the future.

Councilmember Peel said the study will inform Council how much money will need to be set aside for depreciation, unforeseen emergencies and/or during difficult times. She commented reserves are rainy day funds and she recommends a policy be put in place before proceeding.

The City Manager explained that draft policies have been created based on GFOA (Governmental Finance Officers Association) models. However, the numbers from the study will need to be dropped in for reserves, working cash needed for a specified amount of time, etc. A lot of the information has been sent to the consultant and while the next phase of work proceeds with Becker Morgan, he hopes to have some answers about the same time frame.

Councilmember Boyle also recommended that Council make a decision about what needs to be done with the balance of the land. That has been discussed several times though nothing was resolved. He feels we need these issues addressed before Becker Morgan can provide something more definitive.

Councilmember James concurs with most of Councilmember Boyle's comments, but thought Council did discuss the location of the police department to allow for future development. He also recalled talks about those expansion side(s)/areas being pre-prepped for further construction.

Councilmember Boyle reiterated he is unsure where we stand and whether there is a desire to maximize the site for other activities. As the City grows, other City departments will also continue to grow and a decision needs to be made on whether to utilize the only vacant piece of ground the City owns for other purposes.

Councilmember Peel thought the building was positioned for future expansion and to allow other City facilities.

Mr. Frederick explained that the police building is situated to accommodate the police needs, including separation from the road, setbacks, secondary access, etc. He also referenced a site plan (unavailable for packet) and the areas of the building where future expansion can occur.

Councilmember Wilson also recalled conversations involving community use of the building and the community's involvement in these plans.

Councilmember Culotta stated that it has been discussed, but to Councilmember Boyle's point, there has not been any definitive conversations, especially in relation to how the rest of the property would be used.

Councilmember James said the cost is the first step of the project. What was discussed was to allow provisions for any expansion and the reason the site plan shows those areas. He recalled Council deciding not to discuss what a completed campus would look like.

Councilmember Culotta said what was discussed was the cost of adding an administration building was much more than the costs to fix City Hall.

Councilmember Boyle agreed and pointed out that once ground is broken, the plan must proceed. He only wants confirmation that everyone is on the same page before that occurs.

Mr. Frederick then presented another drawing (unavailable for packet) showing the floor plan. He explained in detail the locations of the various units within the building.

He said they will engineer it to be as efficient and compact as possible, while still providing maximum security for the police, as well as providing feasibility for the residual lands that can be used to the greatest extent possible. It was noted that the ability to develop in the wooded area is minimal.

Mr. Frederick continued by saying they have also talked to the police, not only about how they operate today, but how they want to operate in the future. He will continue to anticipate any future needs, which continue to evolve.

He pointed out that from the start of construction to now at the new troop, IT components and security camera requirements have changed in a duration of twelve months. A big variable between the completion of Troop 3 (Camden) and Troop 7 is body cameras and associated legislation that must be considered.

As a result, they anticipate as much as they can, including growth opportunities.

Mayor Campbell then announced that the members of the Police Committee will be much more involved throughout the process.

Chairperson Wilson emphasized that though the Police Committee is involved, it is very important for the entire Council to provide support and input to ensure success of the project.

She then asked the City Manager to continue working on the reserve account policies as we prepare for the referendum process though the pieces seem to be falling in place.

Chairperson Wilson thanked Mr. Frederick for his help and direction.

There being no further business, Chairperson Wilson adjourned the Police Committee meeting at 6:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment:  
Revised Budget (071819)



Milford Police Station

7/18/2019

	A	B	C	D	E
1	Contract	Contractor	Base Bid	Base Bid	
2			Building A1	Maintence Building	Totals
3	<b>Total SF</b>		30,080	4,107	
4					
5	<b>Contract 1</b>				
6	<b>Site work</b>				
7	Sub-Total		\$ 1,035,659.00	\$ 15,000.00	\$ 1,050,659.00
8					
9	<b>Contract 2</b>				
10	<b>Concrete Work</b>				
11	Sub-Total		\$ 450,899.20	\$ 61,560.93	\$ 512,460.13
12					
13	<b>Contract 3</b>				
14	<b>Masonry</b>				
15	Sub-Total		\$ 875,328.00	\$ 68,419.29	\$ 943,747.29
16					
17	<b>Contract 4</b>				
18	<b>Steel Work</b>				
19	Sub-Total		\$ 737,862.40	\$ 261,972.77	\$ 999,835.17
20					
21	<b>Contract 5</b>				
22	<b>Carpentry and General Work</b>				
23	Sub-Total		\$ 360,960.00	\$ 31,047.41	\$ 392,007.41
24					
25	<b>Contract 6</b>				
26	<b>Roofing</b>				
27	Sub-Total		\$ 1,091,904.00	\$ -	\$ 1,091,904.00
28					
29	<b>Contract 7</b>				
30	<b>Furnish Hollow Metal/Doors</b>				
31	<b>Hardware</b>				
32	Sub-Total		\$ 213,868.80	\$ 7,104.76	\$ 220,973.56
33					
34	<b>Contract 8</b>				
35	<b>Alum. Storefront/Glass</b>				
36	Sub-Total		\$ 436,160.00	\$ 6,858.36	\$ 443,018.36
37					
38	<b>Contract 9</b>				
39	<b>Drywall / Acoustical</b>				
40	Sub-Total		\$ 1,790,361.60	\$ 9,486.71	\$ 1,799,848.31
41					
42	<b>Contract 10</b>				
43	<b>Floor Coverings</b>				
44	Sub-Total		\$ 408,486.40	\$ 33,511.49	\$ 441,997.89
45					
46	<b>Contract 11</b>				
47	<b>Caulking / Painting</b>				
48	Sub-Total		\$ 109,491.20	\$ 19,589.44	\$ 129,080.64
49					
50	<b>Contract 12</b>				
51	<b>Casework</b>				
52	Sub-Total		\$ 84,825.60	\$ -	\$ 84,825.60
53					
54	<b>Contract 13</b>				
55	<b>Mechanical</b>				
56	Sub-Total		\$ 2,736,979.20	\$ 273,266.47	\$ 3,010,245.67
57					
58	<b>Contract 14</b>				
59	<b>Fire Sprinkler System</b>				
60	Sub-Total		\$ 177,171.20	\$ 11,293.70	\$ 188,464.90
61					
62	<b>Contract 15</b>				
63	<b>Electrical</b>				
64	Sub-Total		\$ 1,808,710.40	\$ 67,926.47	\$ 1,876,636.87
65					
66					



Milford Police Station

7/18/2019

	A	B	C	D	E
1	Contract	Contractor	Base Bid	Base Bid	
2			Building A1	Maintence Building	Totals
67	<b>Security</b>				
68	Access control System				
69	CCTV				
70	Intrusion detection				
71	Sub-Total		\$ 552,268.80	\$ 10,472.34	\$ 562,741.14
72					
73	<b>Structured Cabling</b>				
74	Data Cabling		\$ -	\$ -	
75	Communications Network Equipment				
76	Sub-Total		\$ 135,360.00	\$ -	\$ 135,360.00
77					
78					
79	<b>Basic Building Cost</b>	<b>Sub-Total</b>	\$ 13,006,295.80	\$ 877,510.14	\$ 13,883,805.94
80					
81					
82	<b>Design Fees</b>				
83	Architect / Engineer Fees	6%	\$ 939,288.00		
84	Civil Fees	By Others	\$ -	\$ -	
85					
86	<b>Design Fees</b>	<b>Grand Total</b>	\$ 939,288.00	\$ -	
87					
88	<b>FF&amp;E/IT Fees</b>				
89	FFE Budget		\$ 650,000.00		
90	IT/DATA/Technology		\$ 300,000.00	\$ -	
91	Phones		\$ 75,000.00	\$ -	
92					
93	<b>FF&amp;E/IT Fees</b>	<b>Grand Total</b>	\$ 1,025,000.00	\$ -	
94					
95					
96	<b>Management Fees</b>				
97	Construction Manager Fees	Richard Y. Johnson & Son			
98	CM Pre-Construction Fees		\$ 10,000.00	\$ -	
99	CM Fees	\$ 0.05	\$ 650,314.79	\$ 43,875.51	
100	Sub-Total		\$ 660,314.79	\$ 43,875.51	
101					
102	<b>CM General Conditions</b>	14 Months			
103	Temp Heat		\$ 10,000.00	\$ -	
104	Temp Phone		\$ 2,100.00	\$ 150.00	
105	Temp Toilets		\$ 2,100.00	\$ 150.00	
106	Temp Fence		\$ 10,000.00	\$ -	
107	Temp Closures		\$ 7,500.00	\$ -	
108	Temp Field Office		\$ 2,100.00	\$ 150.00	
109	Temp Electric		\$ 2,100.00	\$ 150.00	
110	Temp Water		\$ 4,000.00	\$ -	
111	Project Sign		\$ 1,000.00	\$ -	
112	Document Costs		\$ 10,000.00	\$ -	
113	Testing		\$ 10,000.00	\$ 1,000.00	
114	Clean Up		\$ 13,200.00	\$ 880.00	
115	Insurance		\$ 30,000.00	\$ 200.00	
116	Dump Fees		\$ 20,000.00	\$ 2,011.00	
117	Final Clean Up		\$ 7,000.00	\$ 200.00	
118	On Site Supervisor		\$ 156,000.00	\$ 11,200.00	
119	Postage		\$ 6,000.00	\$ 500.00	
120	Sub-Total		\$ 293,100.00	\$ 16,591.00	
121					
122	<b>Management Fees</b>	<b>Grand Total</b>	\$ 953,414.79	\$ 60,466.51	\$ 1,013,881.30
123					
124					
125					
126	<b>Project Grand Total</b>	<b>Base Bid</b>	\$ 15,923,998.59	\$ 937,976.64	\$ 16,861,975.23
127	<b>Cost Per Square Foot w/o site</b>		\$ 529.39	\$ 228.40	
128					
129	<b>Contingency</b>	4%	\$ 520,251.83	\$ 35,100.41	\$ 555,352.24
130	<b>Bond Cost</b>	1%	\$ 159,239.99	\$ 9,379.77	\$ 168,619.75
131	<b>Owners Contingency</b>	5%	\$ 796,199.93	\$ 46,898.83	\$ 843,098.76
132					
133	<b>Project Grand Total with Contingency &amp; Bond Cost</b>	<b>Base Bid</b>	\$ 17,399,690.34	\$ 1,029,355.65	\$ 18,429,045.98
134					
135					
136					
137					

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
July 22, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 22, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Lisa 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

*Board of Revision and Appeal-FY 2019-2020 City of Milford General Property Assessment*

Matter is currently being worked on by the City Assessor and has been postponed.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:05 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

*ICMA Fellow Christine Hoh*

City Manager Norenberg introduced Local Government Management Fellow Christine Hoh, who began her employment last week. Milford will again be sharing the LGM Fellow this year with the City of Lewes for one, possibly two years. She will continue the work of the former Fellow including the capital improvement program, strategic planning update and other key projects.

Ms. Hoh informed Council she from Erie, Pennsylvania and recently earned her MPA at the University of Delaware and completed her time as a Legislative Fellow at the Delaware General Assembly.

PUBLIC HEARINGS:

*Ordinance 2019-25  
Amending and Adopting by Ordinance  
2018 City of Milford Comprehensive Plan/Southeast Milford Plan  
Amendments to Receiving Areas*

*Ordinance 2019-13  
Amendment to Chapter 200-Subdivision of Land  
Renaming and Renumbering of Sections  
Transfer of Development Rights Provisions Added*

*Ordinance 2019-20  
Amendment to Chapter 230-Zoning  
Transfer of Development Rights Provisions Added*

*Resolution 2019-05  
Planning Department Fee Schedule*

Planning Director Rob Pierce advised that Ordinances 25, 13, 20 and Resolution 05 all relate to the implementation of a Transfer Development Rights Program.

He referenced the Comprehensive Plan Amendment application submitted to the State Planning Office which included a Transfer Development Rights Program.

Mr. Pierce recalled when the Department of Ag provided an overview of their preservation program and how the City's Transfer Development Rights Program would work. In 2011, the City of Milford adopted a Southeast Master Plan (SE Master Plan), in conjunction with the Office of State Planning Coordination (OSPC), Department of Transportation (DelDOT), Department of Natural Resources and Environmental Control (DNREC) and Department of Agriculture (DDA) for the Southeast Neighborhood around the new Sussex Health Campus.

He noted that Connie Holland and David Edgell of the Office of State Planning and Scott Blair and Austin Short of the Department of Agriculture were in attendance.

The first commitment of the SE Master Plan titled Implementation states that "the City will develop and adopt an ordinance to enable the use of transfer-of-development credits in receiving zones. This ordinance will enable developers build at up to eight (8) units per acre by-right through the purchase of TDR credits from farms in the sending areas."

Ordinances 2019-13 and 2019-20 include amendments to the Subdivision of Land and Zoning Codes that would implement that program. Resolution 2019-05 adds the TDR Credits to the Planning Department Fee Schedule, along with the recently adopted Police and General Government Facilities Fee.

Mr. Pierce referenced the areas designated as TDR Sending Areas in the Comprehensive Plan. These parcels must convey all available transfer credits at the time of the preservation easement dedication and property owners who have transferred development rights from their land must forfeit the ability to subdivide for residential development.

The Department of Agriculture (DOA) would assist the City in purchasing the agricultural easements, including preparing and recording any of the required legal documentation.

He said this is a voluntary program and does not require any property owner to enter into the preservation program. However, the DOA would seek willing participants to sell their credits.

All areas designated as TDR Receiving Areas in the adopted plan would be eligible to purchase additional density; however, the City will have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied. That location would be determined based on the availability of public utilities, road and traffic considerations, availability of public transportation, environmental considerations, proximity to public services and existing density. The Southeast Master Plan states that developers are able to build at up to eight units per acre by-right. Therefore, the receiving areas would be rezoned to R-8 Garden Apartment and Townhouse District, in accordance with the Zoning Ordinance and upon payment of the TDR credit fee.

The rezoning would permit by-right the construction of single-family detached, semi-detached, attached and multi-family housing as permitted under the R-8 zoning category. The TDR credit value was based on the enclosed appraisal report prepared by Karen Belinko Appraisals, LLC, who was authorized by City Council to prepare the appraisal document in December 2018. The appraisal evaluated the sending areas adjacent to Milford and recent comparable farm sales in Kent and Sussex Counties. The report determined that the market value of the agricultural preservation easement was approximately \$6,000 per acre. Assuming that two dwelling units per acre of development is permitted within the County zoning ordinance, the TDR Credit value would be established at \$3,000 per dwelling unit. The Code requires that the transfer credit value be reviewed every two years.

When he was preparing the draft ordinance on the TDR program, a couple of established receiving areas straddled several parcels which will make it difficult to utilize the TDR program. Receiving Area 4 straddled two dozen parcels and he

felt it was beneficial to move the area further south to encompass two parcels under one ownership. In that manner, it would be easier for potential developers to work with one property owner when trying to take advantage of the density bonuses in lieu of having to buy strip lots from multiple owners.

The first comp plan amendment involves the receiving area location for areas 2 and 4 to allow one single parcel. Previously it bled over three other parcels but was shaved off and added to the southeast portion of the receiving area.

He also updated table 4.2 of the master plan outlining specifically what parcels would be eligible as receiving areas to include that in the ordinance, as well as how the program will work.

Mr. Pierce reiterated that only the areas in the comp plan designated would be eligible as receiving areas.

Councilmember Peel confirmed there is no changes to the premise of the TDR area and this is only a minor adjustment. Mr. Pierce said when he was developing the ordinances, he had to find a mechanism to specify where the receiving areas were and he discovered there were 25 different properties in two of the designated receiving areas. As a result, they shifted the one south to an undeveloped farm which makes it easier for developers to take advantage of the program and more successful. The State supported his amendment during the PLUS review.

Mr. Pierce confirmed the Planning Commission reviewed the ordinances at their July 16, 2019 meetin and recommended approval of the ordinances and resolutions by unanimous vote. No one from the public was present to comment.

Councilmember Peel wanted to make sure she understood that what is being presented is only a very simple change; Mr. Pierce stated that is correct.

Councilmember Marabello referenced areas 1 and 2 and asked if they are two of the receiving zones; Mr. Pierce said the four receiving areas are labeled 1, 2, 3 and 4 and are shown on the map as cross hatching.

Councilmember Marabello recalled a large controversial public hearing involving the property next to Knollac Acres and asked if that area would be subject to possibly eight units per acre. Mr. Pierce stated that 1, 2, 3 and 4 could be rezoned to R8 if they participate in the program.

Councilmember Marabello reiterated there was a big outcry from the Knollac Acres residents and asked if he is concerned about that; Mr. Pierce shared that related to an amendment which would change the zone of 120 acres adjacent to that community highway commercial. He said to keep in mind, area 1 has been in the comprehensive plan as a receiving area for the past eight years. As a result, there are no changes being made to the plan other than simply implementing that plan from eight years ago.

Mr. Pierce then added that does not mean there may not be opposition when the TDR credits are purchased and a rezoning hearing is scheduled.

Mayor Campbell opened the floor to public comment.

Director Connie Holland from the Office of State Planning stated that she could not be prouder of Milford than she is tonight. She noted that Planner David Edgell and representative from the Department of Agriculture can verify that for twenty-five years, Secretary Scuse and her have been working on Transfer Development Rights, if not longer. Kent County now has a program and it has the ability to save the farming industry because the farmer keeps his land but also receives something in return.

She commended Milford's staff who have worked together to make Milford a great place, between the new hospital, the master plan and this.

No one else spoke and the floor was closed.

Councilmember Boyle moved to adopt Ordinance 2019-25, seconded by Councilmember Peel. Motion carried.

Councilmember Peel moved to adopt Ordinance 2019-13, seconded by Councilmember Wilson. Motion carried.

Councilmember Wilson moved to adopt Ordinance 2019-20, seconded by Councilmember Peel. Motion carried.

Councilmember Wilson moved to adopt Resolution 2019-05, seconded by Councilmember James. Motion carried.

*Ordinance 2019-26*

*Amending and Adopting by Ordinance*

*2018 City of Milford Comprehensive Plan*

*Milford Marina Enterprises LLC*

*Future Land Use Designation Change*

*Ordinance 2019-24*

*Milford Marina Enterprise LLC on behalf of Limitless Development Company LLC/Knight Crossing/Change of Zone*

*Current & Proposed Zoning: R-3 (Garden Apartment & Townhouse) and C-3 (Highway Commercial)*

*Present Use: Vacant; Proposed Use: Planned Unit Development and Commercial Residual Land*

*Size/Location: 12.90 +/- acres of land located at 19859 Cedar Beach Road*

*Tax Map & Parcel(s): 3-30-7.00-035.00, -036.00 & -037.00 (portions of)*

Mr. Pierce explained that Ordinances 26 and 24 relate to a comprehensive plan amendment for a future land use and a change of zone for the Milford Marina property located east of Beaver Dam Road, south of Route 36 and west of State Route 1.

The City has received a request from the owner/developer of the three parcels located along the south side of Cedar Beach Road to develop the site into highway commercial and residential uses. The adopted future land use exhibit shows commercial along Route 36, with limited Moderate Density Residential, along two of the parcels off Beaver Dam Road. The developer has requested to change the future land use of the area shown by the hatch cross pattern of 12.9 acres from highway commercial to moderate density residential.

The request will shift the residential/commercial line further to the north to allow for a larger area to be developed for residential uses.

The packet includes a staff report related to the change of zone request to be named Knight Crossing.

He stated that if the comprehensive plan amendment is approved, the change of zone would be consistent with the plan. It would become a Planned Unit Development containing 101 single family detached condominium units and 30 townhouse condominium units along the southside of the property.

Mr. Pierce then referenced Section 230-11 related to garden apartments which details the permitted uses if the zoning change was approved.

He reiterated this is a comprehensive plan/future land use request along with a related change of zone which shifts the boundary further north and changes the zoning of 12.9 acres of land from C-3 to R-3.

Mr. Pierce reported the Planning Commission reviewed the ordinances at their July 16, 2019 and recommended approval of the two ordinances by unanimous vote. The public notice was mailed to properties within 200 feet of the affected area and was published in the Milford Beacon.

Mayor Campbell opened the floor to public comment.

Brenda Watson of Beaver Dam Manor, stated she lives in the development adjacent to this property, adding that the residents are unsure what is going to occur with the property. The biggest concern is that originally, they were told it would become single family dwellings which is a decrease in the zoning and result in less commercial. Moving the property line is based on more housing versus commercial.

Solicitor Rutt explained that at this point, any comments should be related to the comprehensive plan map change from commercial to residential.

Ms. Watson asked that Council to consider the density to be less commercial and more townhomes versus commercial though she feels having more townhouses or apartments is what is being considered. The letter she received stated apartments and she has a concern this will become more apartments and less commercial.

Planning Director Pierce explained the zoning category is R-3 garden apartment and townhouse district. The public notice explained this was a change of zone from C-3 highway commercial to R-3 garden apartment and townhouse district. The applicant has submitted for preliminary approval, which is not for review tonight. However, there is a concept rendering of 101 single family detached, which is standard single-family homes and thirty townhouses. Although they can return with something different, what they are proposing now is 131 total units.

In the C-3, Mr. Pierce said, up to 12 units per acre can be developed. And in the R-3, up to 12 units per acre can be built. This was more of the use and area regulation setbacks, lot sizes, etc. The developer wants to move the line to make the project cleaner versus trying to accomplish this through a mixed zone.

Mr. Rutt shared that Ms. Watson's comments may be more significant to Ordinance 2019-26.

No other persons wished to speak. The public hearing was closed.

Councilmember Boyle moved to adopt Ordinance 2019-26, seconded by Councilmember Morrow. Motion carried.

Stephen Gorski with Duffield Associates, 5400 Limestone Road, Wilmington, stated they are the engineers for the project. Don Lockwood, owner and developer of the property, stated that he will be turning the technical information over to Mr. Gorski and will be happy to follow up with any further questions.

Mr. Gorski said they in attendance for the change of zone of the strip of land in the middle of the property. This will downzone from the current highway commercial zoning to residential (R-3), which will permit the planned unit development that will be proposed. The actual development referred to by Mr. Pierce, will be presented in the very near future and Council will see the actual details of what is proposed at that time.

He referenced the concept plan showing 101 single family detached units and 30 townhome units which results in a density of approximately 5 units per acre though 12 is allowed in the R-3 district.

Mr. Gorski confirmed that though apartments are permitted, that is not proposed. Owned units and not rented are planned. All will be either single-family detached, condo units owned by the owner and 30 townhouse units.

Councilmember Boyle questioned the concept of single-family condominiums; Mr. Lockwood explained they used this business model at the beach which allows the owner to control the landscaping which creates a more sophisticated neighborhood. The resident will own the actual home but instead of being condominiums, will be single, family detached homes in a condo-documented HOA type situation.

Councilmember Boyle confirmed that all the grounds will be maintained by the HOA. Mr. Lockwood stated yes and explained they do not want one or two properties going unmaintained and instead want a nice view from a curb appeal sense. They found if they handle that throughout the development, it works out much better aesthetically.

When asked about amenities, Mr. Lockwood said there will be a pool and a clubhouse for use by the residents.

Councilmember Culotta pointed out those are items that will be discussed when the application is submitted for what is actually being built. Mr. Lockwood confirmed this is the plan they will be moving forward and he does not expect many deviations and are attempting to fast track the project due to the current market.

When no additional persons wished to speak, Mayor Campbell closed the hearing to further remarks.

For clarification, Councilmember Peel confirmed they are permitted to build more though they have selected less density than permitted. Mr. Pierce confirmed the proposal is less density though they could present something different in the future because the zoning will be in place. However, the application has been submitted and fees paid, after which a couple of reviews have already taken place.

It was again confirmed this is a downzoning.

Solicitor Rutt emphasized that Council is not voting on what is being built, only the change of zone.

When questioned, Mr. Pierce confirmed the Knight Crossing project only came in a few years ago. However, the land was annexed into the City during the early 2000's and there may have been a preliminary or concept plan submitted for a planned unit development that never progressed that he is aware of.

Councilmember Wilson moved to adopt Ordinance 2019-24, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Marabello-yes and is happy it is more residential than commercial.

Boyle-yes it conforms to the City code and he agrees, it downzones somewhat, which will result in a less dense area.

Peel-yes based on the recommendation of the Planning Commission and for the same reasons mentioned.

Culotta-yes based on the recommendation of the Planning Commission. He also likes the concept of the stand-alone condo and though he knows the Mayor does not want to call Milford a retirement community, he said we do have a lot of retirees here. Having an option for a stand-alone residence that someone else can take care outside and maintain is very important and he thinks it is a neat concept and believes we will see a lot more of that.

Brooks-yes based on the Planning Commission.

Morrow-yes based on the Planning Commission recommendation in addition to liking the concept.

James-yes because of the downzoning from commercial to residential and feels that residential is important and needed and a better fit for the area.

Wilson-yes based on the Planning Commission recommendation and agrees with all the previous reasons stated by Councilmembers.

Planning Director Pierce stated that for the benefit of the Beaver Dam residents in attendance, there will be additional public hearings in relation to any development that occurs on the property. New notices will be mailed to residents inviting them to attend those hearings so that they can keep an eye on what is occurring on the property.

*Ordinance 2019-29*

*Amending and Adopting by Ordinance*

*2018 City of Milford Comprehensive Plan*

*K&G Associates LLC*

*Future Land Use Designation Change*

*Ordinance 2019-22*

*K&G Associates LLC for a Change of Zone*

*Current Zoning: H-1 (Institutional Development); Proposed Zoning: OB-1 (Office Building)*

*Present & Proposed Use: Medical Office*

*Size/Location: .29 +/- acres of land located at 302 Polk Avenue*

*Tax Map & Parcel(s): 1-30-3.08-067.00*

Planning Director Pierce stated similar to the previous application, this involves a comprehensive plan map amendment, along with a change of zone application.

He referenced the staff report in the packet stating this involves a small existing doctor's office on Polk Avenue adjacent to the former Milford Memorial Hospital. The owner requested a change of zone from H-1 Institutional Development to OB-1 Office Building. Most of the area was zoned H-1 when the hospital was functioning. This will allow different types of professional offices to occupy the existing structure.

The property contains a residential structure that was previously converted into a medical office by Dr. William Kaplan and the existing and future use will be better suited under the OB-1 zoning category.

To accomplish this, a comprehensive map amendment was needed that would change the future land use of this area from employment (more targeted for the Milford Wellness Village) to low density residential.

This will be a true downzoning of the property and opens more opportunities and options for the property.

The application was reviewed by the Planning Commission at their July 16<sup>th</sup> meeting at which time they recommended approval of both ordinances by unanimous vote. All property owners within 200 feet were mailed a public notice. In addition, it was published in the Milford Beacon as required.

Councilmember Wilson asked if this is approved, will this set a precedence for other structures in that area. She asked if different businesses will come through with similar requests which she feels could create spot zoning; Mr. Pierce explained the OB-1 category is set up for office type uses to occur in residential zones. Most OB-1 parcels will be intermixed with residential uses. Milford's Comprehensive Plan allows OB-1 within residential zones because the intent is low traffic, low profile uses.

The Planning Director referred to the former Masten Dermatology Office on Lakeview Avenue, Hermann Financial on Causey Avenue and the old library which is now a dentist's office on South Walnut Street. All three are zoned OB-1. He does not feel that is spot zoning and will fit well in those areas. The same would apply to neighborhood commercial that is intermixed with residential zones.

Mr. Pierce is confident it meets the intent of the zoning ordinance and expects more of the converted doctor offices in the area of the old hospital that are no longer owned by Bayhealth, to convert back to this option. The H-1 requires 50 acres of land and allows 50-foot buildings and is more geared toward a large parcel and an institutional use, not a house that has been converted into an office. The purpose the OB-1 zone was to allow houses to be converted into offices with appropriate setbacks. That meets the intent of the zoning code and comp plan.

Councilmember James believes it would be beneficial to convert the zoning of these homes back to OB-1. Mr. Pierce said that he has spoken with several physician offices about converting to the OB-1, though many had reverted during the recent comprehensive plan update. At some point, a rezoning would occur as a result of the comprehensive plan that would change them.

This was requested specifically by the applicant due to their time restraints.

Mayor Campbell opened the floor to public comments on Ordinance 2019-29; no one responded. The floor was closed.

Councilmember Boyle moved to adopt Ordinance 2019-29, seconded by Councilmember Peel. Motion carried.

Deborah Kaplan was present on behalf of the request for the change of zone and Ordinance 2019-22. Ms. Kaplan stated that her husband is the sole principal of K&G Associates. He is unable to attend due to medical reasons and she is in attendance to present the request.

Ms. Kaplan told Council that for approximately 35 years, this has been a doctor's office. When Dr. Kaplan retired, they reviewed the zoning and realized the H-1 district limited the use of the building to medical or dental offices. Since Bayhealth has relocated to its new location, they felt it was appropriate to request a change of zone to allow other low-volume traffic businesses to locate to this area.

The office building presently has 13 parking spaces in the rear and is handicapped accessible. No changes are being requested to the building or to the property. They only want to be able to offer the building for use by other professional offices like an attorney, insurance agent, photographer, etc.

Mayor Campbell opened the floor for public comment on Ordinance 2019-22; no one responded and the floor was closed.

Councilmember Peel moved to adopt Ordinance 2019-22, seconded by Councilmember Wilson. Motion carried by the following unanimous roll call vote:

Marabello-yes and he thinks changing to OB-1 will not have any adverse effect in the neighborhood.

Boyle-yes, the request is consistent with the 2018 Comprehensive Plan Future Land Use Map, as amended.

Peel-yes because of the functionality of the offices that are intermixed with residential within the neighborhood now.

Culotta-yes feels it corrects something that was not right to begin with and it also gives a lot more flexibility to the owner.

Brooks-yes for all the reasons the other Councilmembers stated.

Morrow-yes, it makes more sense for the area.

James-yes, it provides the property flexibility and as a result, the change of the nature of the area seems more appropriate for this zoning.

Wilson-yes for all the reasons previously stated.

*Ordinance 2019-27*

*Amending and Adopting by Ordinance*

*2018 City of Milford Comprehensive Plan*

*Maloney, Mitchell Rentals LLC*

*Future Land Use Designation Change*

Mr. Pierce stated this is a simple comprehensive plan map amendment and there is no corresponding change of zone. Three of the properties identified in the 2018 Comprehensive Plan update to be commercial future land use had requested to keep their current I-1 limited industrial zoning designation.

They owners had some initial feelings they wanted to go commercial and the reason that designation occurred in the comp plan. When they began to initiate notices related to an upcoming comprehensive rezoning, they provided written requests to maintain their I-1 zoning. The three parcels are shown on the exhibit in the packet.

This will not impact any current land used in the area and basically contains the two businesses of Jor-lin Charter Bus Service and Rumpstich in the 300 block of South Rehoboth Boulevard.

This aligns with the comprehensive plan and zoning map by reverting back to industrial future land use to prevent forcefully rezoning these three parcels who are not interested in commercial zoning.

The application was reviewed by the Planning Commission at their July 16<sup>th</sup> meeting at which time they recommended approval by unanimous vote.

Mayor Campbell opened the floor to public hearing; no one responded. The floor was closed for further remarks.

Councilmember Culotta moved to adopt Ordinance 2019-27, seconded by Councilmember Morrow. Motion carried.

*Ordinance 2019-28*

*Amending and Adopting by Ordinance*

*2018 City of Milford Comprehensive Plan*

*Webb, Swain, Simpson Properties*

*Future Land Use Designation Change*

Mr. Piece reported the last map plan amendment to the comprehensive plan amendment relates to the properties impacted by the Windward on the River residential and commercial developments. The site is south of Southeast Second Street in the vicinity of the Putt-A-Rosa/batting cages and vacant single-family detached dwelling.

The three changes involve tax parcel 3-30-11.00-261.00 from commercial to moderate density residential, parcel 3-30-7.00-033.00 from moderate density residential to commercial, and parcel number 3-30-11.00-043.00 from low density residential to commercial.

The triangle piece of property (261) is currently zoned C-3 highway commercial and is part of the residential development that contains the open space stormwater pond for the proposed 264 apartment unit project. This will clean up the boundary and prevent any split zone open space.

This only straightens out the future land use exhibits.

It also involves a sliver of land (033) that extends out to the right-of-way from the Webb piece. Changing to commercial will better square off the commercial portion of the project.

The last parcel (043) was annexed into the City with a C-1 zone from low density residential. This is similar to the marina application and shifts the residential/commercial boundary to more accurately fit the projects.

This has no impact on the approvals currently underway.

The application was reviewed by the Planning Commission at which time they recommended approved by unanimous vote.

Mr. Pierce referenced the Windward on the River commercial project that was approved for a conditional use, is split zone between C-3 and C-1 and meets all zoning requirements. It involves two restaurants, three retail and one office building. He confirmed the residential project is on the Planning Commission's August agenda for final site plan.

No construction plans for the commercial project have been submitted as of this date.

He reiterated this is only a map amendment to the comprehensive plan.

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

Councilmember Wilson moved to adopt Ordinance 2019-28, seconded by Councilmember Culotta. Motion carried.

*Ordinance 2019-23*

*Beach Babies on behalf of Liborio Watergate LLC for a Conditional Use*

*Current Zoning: R-3 (Garden Apartment and Townhouse District)*

*Present Use: Vacant Land; Proposed Use: Day Care Center*

*Size/Location: 1.82 +/- acres of land located at the northeast corner of Watergate Boulevard North and Marshall Street Within the Watergate Subdivision*

*Tax Map & Parcel(s): 3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00*

*Communication & Correspondence*

Mr. Pierce explained this is a conditional use application to allow a proposed daycare facility in front of the Watergate Community. Public notices were published in the Milford Beacon and all properties within 200 feet of the subject property were mailed a copy of the public notice.

The applicant proposed to construct a two-story, 14,781 square foot daycare facility along the east side of Marshall Street, and north of Watergate Boulevard South, which is the southern entrance to the community.

The subject parcel is on lot 2 of the recorded Watergate Planned Unit Development approved by City Council on January 28, 2019. The applicant proposes to revise the PUD by removing the proposed apartment buildings 'B' & 'C' containing 24 dwelling units along Marshall Street and designating this area as residual R-3 lands.

The revised subdivision plan needs to be recorded with Sussex County before the daycare receives final site plan approval.

The applicant desired to obtain approval for the daycare before they proceeded with the revision of the planned unit development.

The R-3 zone permits all uses within the R-1 and R-2 zoning districts of which a daycare center is a conditional use in the R-1 category.

The site plan requires a variance from maximum lot coverage which allowed a maximum lot coverage of 30%. The Board of Adjustment approved a variance on July 11, 2019 to allow an increase in the maximum lot coverage of 12%, resulting in a proposed lot coverage of 42%.

Aside from the variance, the preliminary site plan meets the minimum standards for the zoning ordinance.

The plan has been reviewed for general compliance with the City's construction standards by the Public Works Department and Planning Staff.

The approval will be subject to final site plan approval from the Planning Commission after all agency approvals are obtained.

Mr. Pierce then referenced several documents included in the Council packet.

He reviewed a map showing its proximity to Milford Rental, who was not in attendance this evening. The Planning Director stated the owner of the rental is in favor of the application because it reduces the building height of the apartments from three to two stories and sets the building back further off the road.

The applicant will be required to maintain the buffering requirements agreed upon during the planned unit development hearings involving landscaping screening. Those notes shall be transferred to the new project.

PE Scott Lobdell of Van Cleef Engineering of Newark, Delaware, was present on behalf of the applicant. He stated that the City Planning Director reviewed the project sufficiently and explained that Beach Babies is hoping to open a daycare facility to serve the area developments and the City in general.

Originally, there were two apartment buildings approved with setbacks of approximately twelve feet from the right-of-way. To be in compliance with the R-1 zone, the daycare will have a 25-foot setback or additional 13 feet off the roadway.

Instead of being two separate buildings with one being closer to Milford Mini Storage, this is now one building shifted closer to the roadway. The visibility issue discussed as part of the original Watergate plan will be improved because the playground area has been moved to the other end.

Mr. Lobdell confirmed the variance for the impervious overage was approved. However, though the Watergate plan with the apartments had 72% impervious surface, that has been reduced to 42%.

Water, sewer and parking already exist in the development.

Lou Ramunno was present on behalf of the owner, in addition to a representative of Beach Babies.

Mr. Lobdell also presented a rendering of the building.

Councilmember Boyle commented that he observes the playgrounds at daycares are always adjacent to the highway with only a cyclone fence separating it. The drawing shows the playground against the highway and he recommends pushing it back further as an added precaution, due to safety concerns from a vehicle veering off the road and going through the fence.

Mr. Lobdell said there is some additional space toward the end of the parking area they can discuss with Beach Babies. He feels the critical issue is the access point from the building, though they can shift the fence line slightly to accommodate that.

Councilmember Peel pointed out there are rigorous regulations by the State of Delaware in relation to playground space and safety.

The Engineer confirmed there is a post and rail fence proposed along the right-of-way, in addition to the fence surrounding the play area. Though two forms of fencing will not guarantee a vehicle would be stopped, it does provide an additional layer of protection.

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

Councilmember Morrow moved to adopt Ordinance 2019-23, seconded by Councilmember James. Motion carried by the following unanimous roll call vote:

Marabello-yes and he thinks it will be a good facility and provide a service for a lot of families that are nearby.

Boyle-yes, the plan does fulfill a need in that portion of the City and particularly in the Watergate Complex where there is no other daycare facility available.

Peel-yes, it is a reputable business and she thinks that quality, early childhood programming leads to better prepared students.

Culotta-yes and referenced his earlier comment about Milford being a retirement community and having a facility like this will attract younger residents when people learn that daycares are available for their kids.

Brooks-yes and feels it is much needed.

Morrow-yes, because he knows it is needed.

James-yes, it is a needed service and it also accommodates some of the desires of the adjacent business owner.

Wilson-yes for all the reasons previously stated.

## COMMUNICATIONS & CORRESPONDENCE

### *Water Issues*

Councilmember Boyle reported that he continues to receive emails from constituents. Though he understands it is related to the hydrant flushing, it seems as though there is not a week that goes by that he does not receive complains about dirty water. He wants to make sure the City stays on top of it and explores all options about possible causes.

Councilmember Culotta agrees there are constant comments. He saw a new one about moldy water which is not necessary the City's issue, but there are questions. He thinks it may make sense for the City to explain how our water system works. He agrees we need to get ahead of it and really appreciates the Public Works Director taking him around to the different facilities to see how our water system works. That was very informational though most people do not have that ability and don't understand the system as a result.

Mr. Whitfield recalled that the City has not had a flushing program for several years. A routine flushing program has since been instituted and because he has been short of staff, the project seems to have been put on the back burner. When the flushing was done last year, there were very few complaints. This year was the reverse.

He recalled when the City had a major water line hit by a private contractor in June that could be related to the amount of dirt that has impacted the water.

Once he is fully staffed, the plan is to do more routine, system-wide flushing. He is aware of many towns who do a flushing once a month or once a quarter. Milford has most recently been doing it once a year and he does not believe that is enough.

Mr. Whitfield agrees the City needs to do a better job of educating our residents about our water system and the importance of flushing those lines. In addition to water quality, it is important to make sure all hydrants work.

Councilmember Brooks recommended contacting all the neighbors in the hydrant area. Mr. Whitfield said a system-wide telephone call was made to residents to notify them of the flushing project. In addition, an ad was published in the local newspapers.

Councilmember Morrow also suggests calling the local industries who are also impacted. Mr. Whitfield said they generally provide alerts to industries, as well as medical facilities, who are extremely sensitive. They will flush those hydrants at night in an attempt to prevent any negative reaction.

An open house was discussed by the City Manager at which time a couple facilities could be visited. A five-minute video was also suggested.

Mayor Campbell referenced the continuing problems at Hearthstone and concerns of residents related to construction problems. A meeting will be held this Wednesday to discuss those concerns.

#### UNFINISHED BUSINESS

##### *Board of Adjustment/Appointment*

The City Planner advised that they received an application from Nadia Zychal of 303 Walnut Street expressing an interest in the Board of Adjustment. She has since been interviewed and Mayor Campbell is prepared to make that recommendation.

Mayor Campbell asked that Council approve Ms. Zychal to fill the vacancy on the Board of Adjustment.

Councilmember Boyle moved to appoint Nadia Zychal to the Board of Adjustment, seconded by Councilmember Culotta. Motion carried.

##### *Adoption/Resolution 2019-10/Updated FY19-20 City of Milford Annual & Capital Budget*

City Manager Norenberg explained that this is a minor adjustment to the original budget approved a month ago. He referenced the memo emailed to City Council discussing the two minor errors and related corrections.

Councilmember James moved to adopt Resolution 2019-10, readopting and updating the FY19-20 budget approved in June, seconded by Councilmember Morrow:

WHEREAS, the operating and capital budgets of the City of Milford for Fiscal Year 2019-2020 have been prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on June 3, 2019 and June 4, 2019 and initially adopted on June 24, 2019; and

WHEREAS, the City Council approved Resolution 2019-07, adopting the FY 2019-2020 Budget, presented on June 10, 2019 and June 24, 2019; and

WHEREAS, the City of Milford Finance Staff recommends amendments to the adopted FY 2019-2020 Budget presented on June 24, 2019; and

WHEREAS, Resolution 2019-07 is hereby rescinded and replaced by Resolution 2019-10, and all FY 2019-2020 budgets approved prior to this date are null and void; and

WHEREAS, in the opinion of the City Council, the budget, as amended, most accurately reflects the City's anticipated revenues and expenditures for the fiscal year, retroactive to July 1, 2019 and ending June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets Division, Parks and Recreation and Council; and the Water, Sewer, Sanitation and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2019-2020 in the following amounts:

Operations and Maintenance - \$41,742,787  
 Debt Service - \$1,109,160  
 Capital Program - \$2,423,029  
 Total Expenditures - \$45,274,976

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 22<sup>nd</sup> day of July 2019.

Motion carried.

*Bid Award/Sidewalk Repair Project*

Public Works Director Whitfield reported that as part of the Sidewalk Repair program implemented by the City in 2017, bids were solicited for the replacement work of the sidewalks. Council agreed the City would be responsible for the repair of sidewalks where there are water meter pits, utility poles, street signs, hydrants, street tree roots, and sewer cleanouts, and the bid includes these sidewalks as well.

Bids for the project were opened on July 18, 2019. One bid, received from Mitten Construction Co of Dover, DE is as follows:

\$13.00 square foot 4” sidewalk  
 \$16.00 square foot 6” sidewalk

Based on the lowest responsible bid, the replacement of sidewalks under the City’s responsibility would be as follows:

Water            \$26,975  
 Electric        \$11,700  
 Sewer            \$ 650  
 Streets         \$21,450

Based on the lowest responsible bid, the replacement of sidewalks under the City’s responsibility would be as follows: Costs to property owners for a single sidewalk block (approximately 25 sf) would be as follows:

<u>Thickness</u>	<u>Approx. price/block</u>	<u>Discounted price/block</u>
4” thick	\$325	\$275
6” thick (at driveways)	\$400	\$350

If Council agrees, the discounted price would be \$2.00 per square foot; if the property owner selects the City to remove and replace the sidewalk, the cost would be \$275 for a 4” walk and \$350 for a 6’ walk if paid in full at time of receipt.

Mr. Whitfield noted that those prices are below what was budgeted.

Included in the packet is the amended Sidewalk Repair Notice that will be sent to residents, explaining the financing and alternative options. It also added a paragraph explaining the appeal process.

When asked how many City sidewalks were inspected, Mr. Whitfield said approximately half of the sidewalks were inspected. He is currently in the process of repairing all sidewalks along City owned property and curbing, unrelated to this contract. He said that based on the Spring 2017 inspection, roughly 47,000 square feet of 4” sidewalks were inspected and 3,600 square feet of 6” sidewalks need repair.

Councilmember Brooks pointed out there are about a dozen sidewalks need replacing in the downtown area. Mr. Whitfield explained that sidewalks adjacent to the parking lot are the responsibility of the City.

Councilmember Wilson moved to award the Sidewalk Replacement Project to Mitten Construction at a not-to-exceed price of \$677,275 with funding as follows:

City responsible sidewalks to be funded through: Water Operating Budget \$26,975, Electric Operating Budget \$11,700, Sewer Operating Budget \$650, and Streets Operating Budget \$21,450. Discounted price for residents choosing the City’s contractor to complete repairs to come from Real Estate Transfer Tax, which would not to exceed \$96,350. All other costs shall be paid from Real Estate Transfer Tax Reserves and paid back through assessments to abutting property owners.

Councilmember Peel seconded motion which carried by the following unanimous roll call vote:

Marabello-yes to award the bid to the company so named because the work has to be done.

Boyle-yes, this has been a long time coming and the Public Works Director has done everything they have been asked to do and it is time to move forward.

Peel-yes, the pricing is much better and there is a specific plan to lessen the burden of costs by not charging interest.

Culotta-yes though he is not happy about the method but he votes yes because the pricing has come down and we are not charging interest and there are options for homeowners and they don’t have to go with this pricing.

Brooks-yes.

Morrow-yes, it has answered some of his concerns and this is the best deal for residents because we are not charging interest and there is a pay early discount. They also have the option to do it themselves and the repairs are going to make the town safer. He has had phone calls congratulating Council on fixing a thirty-year problem for the City that has been tough and he agrees we need to move on.

James-yes, we have moved a long way from where we were and this is a much better option for the residents and it adds a lot of clarity for the sake of the residents. They now know their options and costs and he personally wishes to thank the Public Works Director and the City Manager for all the work that has been done on the project.

Wilson-yes, based on all the hard work that has been put into this project adding this has been going on for more than a year and she used to feel bad for Mr. Whitfield because she knew Council was going to chop his head off. But Mr. Whitfield has continued working to make it happen and doable for our residents and that is all Council wanted. They wanted to make sure our residents were suffering as we tried to enhance our town, in addition to enhancing the City with safer sidewalks.

**NEW BUSINESS**

*Adoption/City of Milford Tax Warrant for Fiscal Year 2019-2020*

Mr. Norenberg noted that the earlier Appeal Hearing had been postponed so they continue to work with the appellant in an attempt to resolve one issue.

The following calculations do not include the tax numbers associated with that particular property.

Councilmember Wilson moved to adopt the FY 2019-2020 Tax Warrant, seconded by Councilmember James:

**GREETINGS:**

*The Charter of the City of Milford provides the following:*

*"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."*

**THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:**

<i>Assessed Per Billing Register</i>	<i>\$1,095,473,359</i>
<i>Exemptions</i>	<i>[\$213,083,800]</i>

<i>TOTAL ASSESSED VALUE</i>	\$882,389,559 <u>          x .0046</u>
<i>ESTIMATED TAX PER PROPERTY VALUES</i>	\$4,058,992
<i>Senior Citizen Discount</i>	[\$34,040]
<b><i>TOTAL TAXABLE (Fiscal Year 2019-2020)</i></b>	<b>\$4,024,952</b>

*Due Date: September 30, 2019*

Motion carried.

*Bid Award/Digger Derrick Truck/Electric Division*

Mr. Whitfield requested City Council consider a recommendation to replace the existing 2000 International Digger Derrick line truck (Unit E-110) used by the Electric Division with a 2020 International truck with a Versalift Digger derrick body. The existing unit has approximately 30,000 miles/5,000 engine hours, is 20 years old, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2020 Capital Improvement Plan. The truck is used for drilling holes for poles and craning poles into place for electric distribution lines.

The purchase of this truck will be made through Sourcewell Cooperative Purchasing (formerly NJPA Purchasing Agreement) through the Delaware State Contract. Specifications for the 2020 International truck and Versalift Digger Derrick body were included in the packet. The Electric Division budgeted \$275,000.00 for the purchase of this unit, and the Sourcewell final cost is \$265,717.10.

Councilmember Boyle moved to authorize a purchase to Navistar Incorporated for a 2020 International Truck with a Versalift Digger Derrick body in the amount of \$265,717.10, in accordance with Sourcewell Contract #081716-NVS, with funding coming from electric reserves, seconded by Councilmember Peel. Motion carried.

*Bid Award/Trencher/Electric Division*

Public Works Director asked City Council to authorize replacing the existing 2003 Vemeer Trencher (Unit E-130) used by the Electric Division with a 2020 Vemeer RTX750 Trencher. The existing unit has approximately 1,900 engine hours, is 16 years old, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2020 Capital Improvement Plan. The trencher is used for excavating to allow the placement of underground electric distribution lines.

The purchase of the unit will be made through the Sourcewell Cooperative Purchasing (formerly NJPA Purchasing Agreement) through the Delaware State Contract. Specifications for the 2020 Vemeer RTX750 Trencher are included in the packet. The Electric Division budgeted \$125,000.00 for the purchase of this unit, and the Sourcewell final cost is \$117,845.00.

Councilmember Peel moved to authorize a purchase to Vemeer Mid-Atlantic for a 2020 Vemeer RTX750 Trencher in the amount of \$117,845 in accordance with the Sourcewell contract #0124-18-VRM, with funding from Electric Reserves, seconded by Councilmember Culotta. Motion carried.

*Bid Award/Vacuum Pump/Wastewater Division*

The Public Works Director asked Council to authorize the replacement of the existing 2005 Vemeer trailer mounted vacuum pump (Unit SE-13) used by the Water/Sewer Division with a 2020 Vemeer LP573SDT Vacuum Pump. The existing unit has approximately 500 engine hours, is 15 years old, and has been used beyond its life expectancy. The circuit board is outdated and repair parts are no longer available, the pump needs to be rebuilt, and the motor mounts need replacing. This was identified in the 2020 Capital Improvement Plan.

The vacuum pump is used for dewatering trenches when making water or sewer line repairs.

The purchase of the unit will be made through the Sourcewell Cooperative Purchasing (formerly NJPA Purchasing Agreement) through the Delaware State Contract. Specifications for the 2020 Vemeer LP573SDT Vacuum Pump are included in the packet. The Sewer Division budgeted \$75,000.00 for the purchase of this unit, and the Sourcewell final cost is \$68,259.00.

Councilmember James moved to authorize the purchase to Vemeer Mid-Atlantic for a 2020 Vemeer LP573SDT Trailer Mounted Vacuum Pump in the amount of \$68,259.00 in accordance with Sourcewell Contract #012418-VRM, with funding coming from Wastewater Reserves, seconded by Councilmember Boyle. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment:

Ordinances 2019-13, 20, 22-29

ORDINANCE 2019-13  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 200-SUBDIVISION OF LAND

WHEREAS, the Mayor and Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the City Comprehensive Plan and Southeast Master Plan recognize the pressure to develop rural agricultural areas east of the City where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive, and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect; and

WHEREAS, the Council of the City of Milford has considered the proposed text amendment changes to the Subdivision of Land, with regard to the establishment of a Transfer of Development Rights Program, and finds that the amendment is warranted in order to achieve the purposes of the City Comprehensive Plan and Southeast Master Plan, as it relates to those goals; 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.* The Title and Text of Section 200-5 General Requirements and Design Standards is hereby renumbered Section 8 as set forth below:

**§ 200-8. General Requirements and Design Standards**

*Section 2.* The Title and Text of 200-6 Variances and Waivers is hereby renumbered Section 9 as set forth below:

**§200-9. Variances and Waivers**

*Section 3.* Section 200-6 is hereby renamed Revisions to Recorded Subdivision Plats as set forth below:

**§200-6. Revisions to Recorded Subdivision Plats**

*Section 4.* The Title and Text of 200-7 Administrative Approvals is hereby renumbered Section 5 as set forth below:

**§200-5. Administrative Approvals**

*Section 5.* Section 7 is hereby renamed Expiration of Approved Subdivision Development Plans as set forth below:

**§200-7. Expiration of Approved Subdivision Development Plans**

*Section 6.* Section 9 is hereby renamed Variances and Waivers as set forth below:

**§200-9. Variances and Waivers**

*Section 7.* A new Section 10 is hereby added to read as follows:

**§ 200-10. – Transfer of development rights.**

**A. Purpose and intent. This section is intended to promote more efficient utilization of land resources through the creation of a transfer of development rights program available to land owners. The transfer of development rights program enables developers of land within receiving areas the ability to purchase development credits to be used to increase the number of residential units per acre for development within the receiving areas. Funds paid by developers of land within receiving areas would be utilized to purchase the development rights of property owners of certain land designated as sending areas. This option was**

conceived in response to increasing pressure to develop rural agricultural areas where essential infrastructure and support services necessary to sustain suburban and urban land uses do not exist and are not planned. This section endeavors to achieve well designed and efficient communities inside the City of Milford while preserving, protecting and enhancing precious agricultural lands and rural and natural landscapes from encroachment by sprawl development that threatens the unique character and quality of life that Milford citizens enjoy and expect. The purpose of this section is further described as follows:

- (1) Enables the purchase of transfer credits by developers of land within designated receiving areas;
- (2) Enables the purchase of development rights for willing land owners within designated sending areas;
- (3) Provides for farmland, open space and natural resource preservation through the transfer of development rights that permits an increased density on a receiving parcel and preservation of a sending parcel;
- (4) Provides transit oriented, pedestrian friendly communities with parks, greenways, mixed uses and interconnectivity thereby reinforcing community character;
- (5) Provides adequate and efficient density to support infrastructure investment within the City.
- (6) To further discourage sprawling of urban development into rural areas; and
- (7) Ensures that development credits be utilized for properties that are in areas that have adequate support facilities, including, but not limited to, transportation, water, sewer, employment, recreation and commercial services to accommodate additional development.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEVELOPMENT RIGHTS – The rights of the owner of a parcel of land to develop or use the parcel in accordance with Chapters 230 and 200 of the City of Milford Code.

RECEIVING AREA – One or more designated areas within which the development credits from sending areas may be purchased for use within development projects.

RECEIVING PARCEL – A parcel of land in a receiving area that is the recipient of development credits for the purpose of development with an increase in the number of dwelling units equivalent to the number of development credits purchased in addition to the number of dwelling units that would otherwise be permitted on the parcel.

SENDING AREA – One or more areas in which the development rights of parcels may be purchased from for the use in one or more receiving areas.

SENDING PARCEL – A parcel of land in a sending area from which development rights are being transferred for use on a parcel within a designated receiving area, and upon which a legally binding and irrevocable preservation easement has been placed and recorded that would prohibit the future development of such parcel.

TRANSFER OF DEVELOPMENT RIGHTS – The procedure prescribed by this section whereby the owner of a parcel in the sending area may convey development rights in perpetuity to the City and State of Delaware, Department of Agriculture, and the owner of a parcel in a receiving area may purchase development credits from the City to be utilized on the receiving parcel in addition to the development rights already existing on the parcel.

C. General Provisions.

- (1) A system of transferable development rights credit for properties situated within designated sending areas is established in Subsection D, Sending areas.
- (2) A system of limitations on the quantity of development rights credits that may be imported into designated receiving areas is established in Subsection E, Receiving areas.
- (3) The designation, tabulation, tracking, recordkeeping, management and transfer of development rights shall be under the direction of the City Manager or designee in accordance with the provisions of this section, and procedures established by the Planning Department.
- (4) All sending parcels shall be encumbered in perpetuity by an irrevocable preservation easement of the development rights. Such preservation easement shall be recorded and become codicil to the property deed of the sending parcel, and shall have the effect of limiting in perpetuity the future construction of dwellings on the sending parcel to a maximum allowed by the State of Delaware, Department of Agriculture preservation program.

(5) All properties to which development rights are planned to be transferred shall comply with the provisions of Subsection E Receiving Areas, of this section and shall be subject to the plan review and approval processes set forth in Chapter 200 and Chapter 230 of the City Code.

D. Sending areas.

(1) All areas designated as TDR Sending Areas in the adopted City of Milford Comprehensive Plan shall be considered sending areas.

(2) Sending area value. Sending areas are assigned a value of transferable development right credits that may be transferred for utilization within a designated receiving area. The sending area value is determined by the development potential based on the property's current zoning classification, exclusive of undevelopable land such as wetlands, floodplain or other natural features.

(3) Sending parcels shall convey all of their available transfer credits at the time of preservation easement dedication.

(4) Lands for which the State of Delaware, or any other entity, such as the federal government, a nature conservancy, or any other nongovernmental agency has purchased or otherwise secured the development rights, either through fee simple acquisition, condemnation, eminent domain, deed restriction, easement or any other legal means for the expressed purpose of preventing the development of such lands, shall be ineligible for participation in the City's Transfer of Development Rights Program. Examples of such lands include any state or federal owned property and lands on which agricultural preservation easements have been purchased.

(5) Property owners who have transferred development rights from their land forfeit the ability to use the land for any purpose or use other than those permitted by right in the underlying zoning district, except that such property shall not be subdivided for residential development.

E. Receiving areas.

(1) All areas designated as TDR Receiving Areas in the adopted City of Milford Comprehensive Plan shall be considered receiving areas. The receiving area acreage and number of TDR credits shall be limited to what is provided in the Comprehensive Plan; however, the City of Milford shall have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied based on the availability of public utilities, road and traffic considerations, availability of public transportation, environment considerations, proximity to public services and existing density.

(2) Receiving area value. The maximum gross development densities shall be limited to eight (8) dwelling units per acre.

(3) Receiving areas may be rezoned to R-8 Garden Apartment and Townhouse District in accordance with Chapter 230-58 if the developer participates in the TDR program and purchases TDR credits.

(4) Developers may purchase available credits from the TDR bank at a value per transfer credit established by the City in accordance with Section G.

F. Irrevocable Preservation Easement

(1) Preparation of irrevocable preservation easement. Prior to the purchase of transfer credits, the State of Delaware, Department of Agriculture shall prepare an irrevocable preservation easement for the purposes of establishing a perpetual restriction upon the sending area property from which development credits are being purchased. The irrevocable preservation easement shall be prepared by and at the expense of the State of Delaware, Department of Agriculture and shall be subject to review and approval of the Planning Department.

(2) Recordation of irrevocable preservation easement. Such preservation easement shall be recorded in the Office of the Recorder of Deeds for the County at the time of purchase of any development credits, and shall become a permanent, perpetual preservation easement on the deed of the sending property. No such preservation easement shall be recorded without the signature of the City Manager and Planning Director.

G. Administration.

(1) A value for each transfer credit shall be established by a licensed and certified Delaware real estate appraiser and adopted by resolution by the City Council. The value shall be reviewed every two years.

(2) The City may include the cost of administering the TDR program, including but not limited to, the performance of appraisals, in the value per unit established by City Council.

*Section 8.* A revision to the City of Milford Subdivision Code is hereby granted, as specified in the motion approved by a majority vote of City Council.

*Section 9. Dates*

City Council Introduction: July 8, 2019

Planning Commission Public Hearing: July 16, 2019

City Council Public Hearing: July 22, 2019

Effective Date: August 1, 2019

**ORDINANCE 2019-20**  
Chapter 230-Zoning  
Transfer Development Rights Program. §230-19.6

WHEREAS, the Mayor and Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the City Comprehensive Plan and Southeast Master Plan recognize the pressure to develop rural agricultural areas east of the City where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive, and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect; and

WHEREAS, a transfer of development rights program is a tool that can be used to preserve agricultural land and environmentally sensitive areas and the City desires to use this tool; and

WHEREAS, it is necessary to amend Chapter 230, entitled Zoning Code, of the City of Milford Code to establish a Transfer Development Rights Program.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230 is hereby amended by adding a new §230-19.6 entitled Transfer of Development Rights that shall read as follows:

§ 230-19.6. – Transfer of Development Rights.

- (1) In recognition of the pressure to develop rural agricultural areas where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect, a Transfer of Development Rights Program has been established.
- (2) Areas considered to be sending areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Sending Areas, and are outlined in Chapter 200-10 Paragraph D.
- (3) Areas considered to be receiving areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Receiving Areas, and are outlined in Chapter 200-10 Paragraph E.
- (4) The Official Map may be amended by City Council to allow Receiving Areas to be zoned R-8 Garden Apartment and Townhouse District if the developer participates in the TDR program and purchases TDR credits. Amendments to the zoning map shall follow the procedures outlined in Chapter 230-58.

Section 2. Dates

City Council Introduction: July 8, 2019

Planning Commission Public Hearing: July 16, 2019

City Council Public Hearing: July 22, 2019

Effective: August 1, 2019

# Ordinance 2019-22

Change of Zone

K&G Associates LLC

Current Zoning: H-1 (Institutional Development)

Proposed Zoning: OB-1 (Office Building)

Present & Proposed Use: Medical Office

Size/Location: .29 +/- acres of land located along the east side of  
Polk Avenue between Sussex Avenue and Kings Highway.

Address: 302 Polk Avenue

Tax Map & Parcel(s): 1-30-3.08-067.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-22 following a Public Hearing on Tuesday, July 16, 2019; and

Whereas, Milford City Council held a Public Hearing on Monday, July 22, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit the Change of Zone from H-1 to OB-1 as described within the application.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* Following adoption of Ordinance 2019-22, and upon the effective date, the property owned and managed by K&G Associates LLC located on .29 +/- acres of land at 302 Polk Avenue, is hereby designated d OB-1 (Office Building) in accordance with Chapter 230 §230-19.

*Section 2.* A revision to the City of Milford Zoning Map is hereby granted, as specified in the motion approved by a majority vote of City Council.

*Section 3. Dates*

City Council Introduction: July 8, 2019

Planning Commission Public Hearing: July 16, 2019

City Council Public Hearing: July 22, 2019

Effective: August 1, 2019

# ORDINANCE 2019-23

Liborio Watergate LLC on behalf of Beach Babies  
Conditional Use to allow a Daycare Center  
R-3 Zoning District on 1.82 +/- acres of land  
Northeast Intersection of Watergate Boulevard North and Marshall Street.  
Contains portions of Lot 2 within the Watergate Planned Unit Development.  
Present Use: Vacant Land (Planned Unit Development)  
Proposed Use: Day Care Center  
3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00

WHEREAS, the City of Milford Planning Commission has considered the conditional use application at a Public Hearing on Tuesday, July 16, 2019; and

WHEREAS, Milford City Council held a Public Hearing on Monday, July 22, 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:

*Section 1.* Following adoption of Ordinance 2019-23, and upon the effective date, Liborio Watergate LLC, on behalf of Beach Babies, is hereby granted a Conditional Use Permit to allow a two-story, 14,781 square foot Day Care Center, on lands located as described herein.

*Section 2.* The Conditional Use, is hereby granted, as specified in the motion approved by a majority vote of City Council.

*Section 3.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 4. Dates*

City Council Introduction: July 8, 2019

Planning Commission Public Hearing: July 16, 2019

City Council Public Hearing: July 22, 2019

Effective: August 1, 2019

# Ordinance 2019-24

## Change of Zone

Milford Marina Enterprise LLC on behalf of Applicant Limitless Development Company LLC  
Current & Proposed Zoning: R-3 (Garden Apartment & Townhouse) and C-3 (Highway Commercial)  
Present Use Vacant; Proposed Use Planned Unit Development and Commercial Residual Land  
Size: 12.90 +/- Acres of 60.58 +/- total Acres of Land  
South of Cedar Beach Road, East of Beaver Dam Road and West of State Route 1  
Site Address: 19859 Cedar Beach Road, Milford, DE  
Tax Map & Parcel(s) 3-30-7.00-035.00, 036.00 & 037.00 (portions of)

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-22 following a Public Hearing on Tuesday, July 16, 2019; and

Whereas, Milford City Council held a Public Hearing on Monday, July 22, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit a Change of Zone by allowing the Zoning Boundary Line to be moved further north resulting in an additional 12.9 +/- acres of R-3 Garden Apartment & Townhouse District and reduction of C-3 Highway Commercial-zoned lands, as described within the application.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* Following adoption of Ordinance 2019-24, and upon its effective date, approximately 12.9 acres of lands zoned C-3 become R-3 zoned lands, as found on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, on portions of Tax Parcels 3-30-7.00-035.00, 036.00 & 037.00.

*Section 2.* A revision to the City of Milford Zoning Map is hereby granted, as specified in the motion approved by a majority vote of City Council.

*Section 3.* Dates

City Council Introduction: July 8, 2019

Planning Commission Public Hearing: July 16, 2019

City Council Public Hearing: July 22, 2019

Effective: August 1, 2019

**ORDINANCE 2019-25**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
SE MASTER PLAN/TDR RECEIVING AREAS

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the first amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment will amend the SE Master Plan by relocating Transfer of Development Rights Receiving Areas #2 and #4; and

WHEREAS, Receiving Area #2 has been reshaped to encompass a single track of land versus four parcels; and

WHEREAS, Receiving Area #4 has been shifted further south to encompass two tracks of land versus twenty-five parcels; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the first amendment of the 2018 Comprehensive Plan; and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the first amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

**SYNOPSIS:**

	<b>Node ID / Receiving Area ID</b>	<b>Receiving Area Acres</b>	<b>Base Zoning at 3 DU/Ac</b>	<b>TDR Zoning at 8 DU/Ac</b>	<b>Additional DUs Through TDR Use</b>
Current	1	58	174	464	290
Amendment	3	60	180	480	300
Current	2	118	354	944	590
Amendment	4	120	360	960	600
Current	3	107	321	856	535
Amendment	1 & 2	110	330	880	550
<b><i>TOTAL</i></b>					
<b><i>Current</i></b>	<b><i>3</i></b>	<b><i>283</i></b>	<b><i>849</i></b>	<b><i>2264</i></b>	<b><i>1415</i></b>
<b><i>Amendment</i></b>	<b><i>4</i></b>	<b><i>290</i></b>	<b><i>870</i></b>	<b><i>2320</i></b>	<b><i>1450</i></b>

**ORDINANCE 2019-26**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
MILFORD MARINA ENTERPRISES LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7- Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702- Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017- 24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the second amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the second 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the second amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Effective: August 1, 2019

**SYNOPSIS:** Milford Marina Enterprises LLC, Cedar Beach Road (3-30-7.00-035.00, 3-30-7.00- 036.00, 3-30-7.00-037.00; change in future land use designation from commercial to moderate density residential)

**ORDINANCE 2019-27**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
MALONEY, MITCHELL RENTALS LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the third amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the third 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Effective: August 1, 2019

**SYNOPSIS:** Joan Maloney, and Mitchell Rentals LLC, South Rehoboth Boulevard (3-30-7.18-022.00, 3-30-7.18-023.00, 3-30-7.18-025.02; change in future land use designation from commercial to industrial)

**ORDINANCE 2019-28**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
WEBB, SWAIN, SIMPSON  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fourth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fourth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fourth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Effective: August 1, 2019

**SYNOPSIS:**

Jesse C. & Joyce L. Webb, G. Walter & Janet R. Swain, and Gilbert C. & Irene D. Simpson, South Rehoboth Boulevard (3-30-7.00-033.00 (portion of); change in future land use designation from moderate density residential to commercial) (3-30-11.00-261.00; change in future land use designation from commercial to moderate density residential) (3-30-11.00-043.00; change in future land use designation from low density residential to commercial)

**ORDINANCE 2019-29**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
K&G ASSOC LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fifth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fifth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fifth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

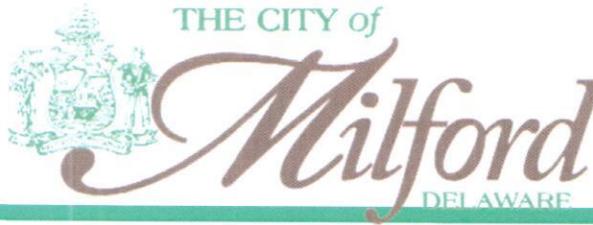
Effective: August 1, 2019

**SYNOPSIS:**

K&G Assoc LLC, Polk Avenue (1-30-3.08-067.00; change in future land use designation from employment to low density residential)



OFFICE OF THE CHIEF OF POLICE  
KENNETH L. BROWN  
kenneth.brown@cj.state.de.us



400 NE Front Street  
Milford Delaware 19963  
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council  
FROM: Kenneth L. Brown, Chief of Police   
DATE: August 7, 2019  
RE: Activity Report/July 2019

### **Monthly Stats:**

A total of 542 arrests were made by the Milford Police Department during July 2019. Of these arrests, 147 were for criminal offenses and 395 for traffic violations. Criminal offenses consisted of 34 felonies and 113 misdemeanors. Traffic violations consisted of 13 Special Duty Radar, 9 Drunk-Driving charges, 373 other.

Police officers investigated 58 accidents during the month and issued 128 written reprimands. In addition, they responded to 1239 various complaints including city requests and other agency assistance.

### **Monthly Activities:**

Met with City Manager & Finance Director to discuss financing options for new police building on July 1, 2019.

Attended 45<sup>th</sup> New Castle County Academy Graduation being held at the Independence School in Newark, Delaware. Our graduates are Ptlm. Alexander Davis, Ptlm. Cole Jackson, & Ptlm. Chayanne Rivera.

Attended a Meet & Greet hosted by the Milford Chronicle during Milford's Third Thursday on July 18, 2019.

Met with Barefoot Studios to have departmental photos taken on July 25, 2019

Met with Sarah McBride regarding Human Rights Campaign Annual MEI Report on July 29, 2019.

Interviewed applicant for full-time Dispatcher position on July 30, 2019.

### **Training –**

One officer attended Taser Instructor training held at Wor-Wick Community College in Salisbury, Maryland on July 25, 2019 – July 26, 2019.

TAC Officer attended Advanced Shooting Analysis training held Lawrenceville, GA. on June 17, 2019 – June 21, 2019.

One officer attended Crisis Management for School Resource Officer training held at the Cheswold Fire Department on July 10, 2019.

### **SRO –**

Sgt. Masten met with a group of neighbors on Charles Street who had concerns about area criminal activity. Information obtained from the neighbors led to an arrest being made by Ptlm. Karpin that appears to have resolved the issue. The arrest was of a Magnolia man and resulted in drugs and a firearm being seized. Ptlm. Karpin's proactive approach to the issue and help from the community allowed for this to be resolved in a timely manner.

Sgt. Masten attended a community event in Houston at the Canaan Full Gospel Christian Church. This was a great time spent with area youth and we hope to receive an invite next year.

Lt. Wells and Sgt. Masten continue to prepare for the 25th Annual Milford's Night Out. Donations from Pepsi Bottling Ventures and Mountaire Farms were received last week.

Sgt. Masten attended a training hosted by Delaware Emergency Management. The training highlighted trends about school safety. Sgt. Masten met with Jon Lobiondo, Director of Transportation and School Safety for the Milford School District, following the training and the two discussed how information learned can be beneficial to the district.

### **K9 Unit –**

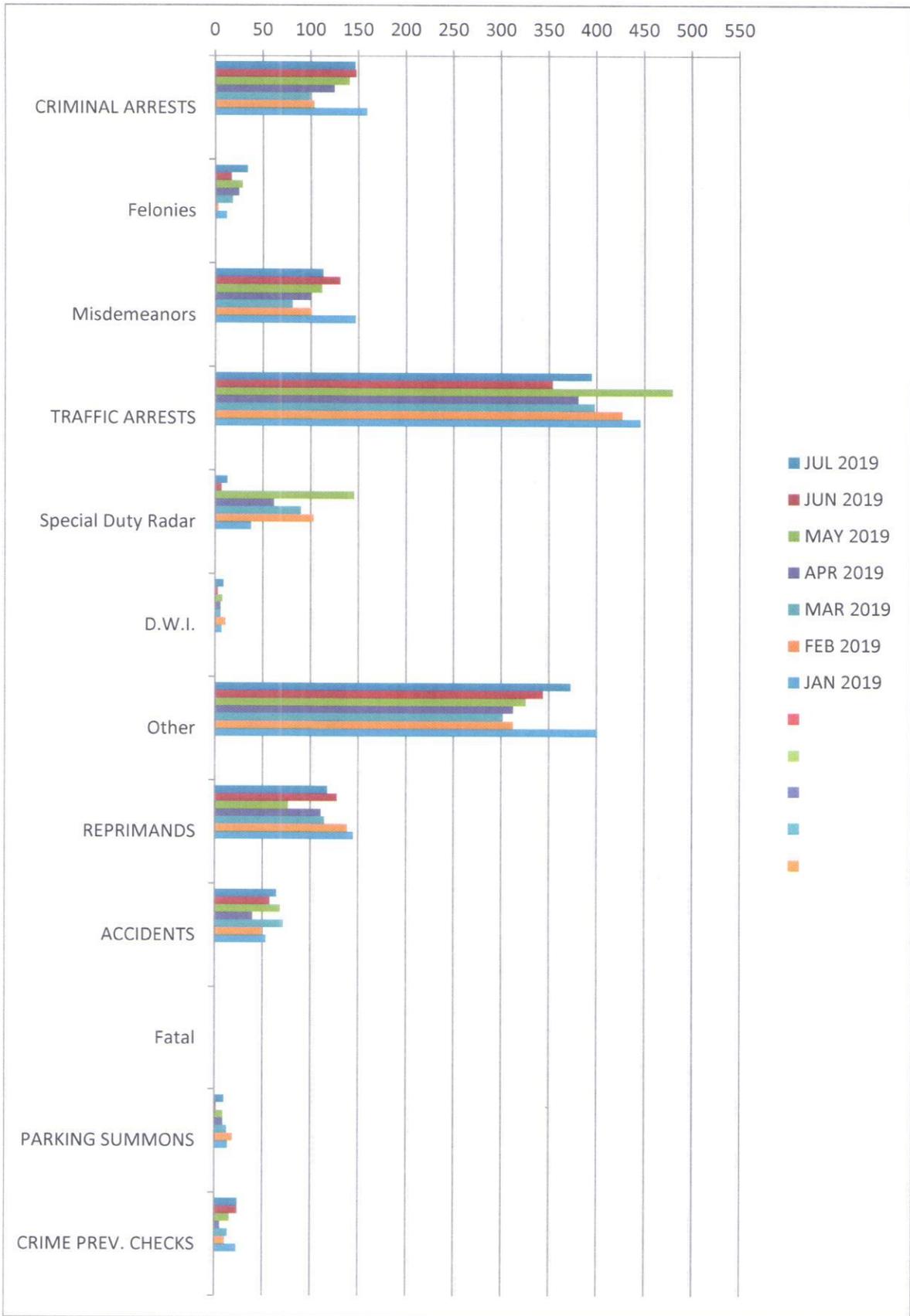
For the month of July 2019 the Milford Police Department K9 unit had the following stats:

- Utilized 9
- Disorderly Group 1
- Demo's 3
- Drug Search 4

<b><u>Seized Items</u></b>	<b><u>Amount</u></b>
• Marijuana	116 grams
• Marijuana Edibles	33.1 grams
• Oxycodone	185 doses
• Hallucinogenic Mushrooms	12 grams
• Other	Drug Paraphernalia
• Firearm	1 recovered
• Currency	\$2,680.00

JUL 2019 ACTIVITY REPORT

	JUL 2019	TOTAL 2019	JUL 2018	TOTAL 2018
COMPLAINTS	1239	8522	1420	8579
CRIMINAL ARRESTS	147	923	160	1001
Felonies	34	138	32	186
Misdemeanors	113	785	126	813
TRAFFIC ARRESTS	395	2881	521	2919
Special Duty Radar	13	459	243	1021
D.W.I.	9	50	9	61
Other	373	2372	269	1837
REPRIMANDS	118	833	97	643
ACCIDENTS	65	408	80	391
Fatal	0	0	0	1
PARKING SUMMONS	10	76	11	119
CRIME PREV. CHECKS	24	118	28	159
FINES RECEIVED	\$7,552.59	\$ 58,003.11	\$8,866.01	\$ 57,406.33



# Monthly City Manager Report

Through July 2019

<b>Human Resources Office</b>	July 2018	July 2019	FY19 YTD <small>(07/01/18-06/31/19)</small>	FY20 YTD <small>(07/01/19-06/31/20)</small>
Full Time Employees	113	123	113	123
Part Time/Seasonal Employees	6	16	6	16
Vacant Positions	2	4	2	4
Promotions	Unavailable	2	Unavailable	2
<b>Information Technology Office</b>	July 2018	July 2019	FY19 YTD <small>(07/01/18-06/31/19)</small>	FY20 YTD <small>(07/01/19-06/31/20)</small>
IT Assistance Offered	No Information Provided.			
<b>Finance Department</b>	July 2018	July 2019	FY19 YTD <small>(07/01/18-06/31/19)</small>	FY20 YTD <small>(07/01/19-06/31/20)</small>
Utility Accounts Billed	No Information Provided.			
Utility Payments Processed	No Information Provided.			
<b>Parks &amp; Recreation Department</b>	July 2018	July 2019	FY19 YTD <small>(07/01/18-06/31/19)</small>	FY20 YTD <small>(07/01/19-06/31/20)</small>
Program Participants	108	172	1,432	172
Programs Offered	1	2	18	2
Special Events Assisted	0	1	4	1
<b>Planning &amp; Economic Development Department</b>	July 2018	July 2019	FY19 YTD <small>(07/01/18-06/31/19)</small>	FY20 YTD <small>(07/01/19-06/31/20)</small>
<i>Building Inspections &amp; Permitting</i>				
Residential Permits Issued	28	37	28	37
Residential Inspections Performed (By City Staff)	0	167	0	167
Residential Inspections Performed (By Outside Contractor)	0	0	0	0
Commercial Permits Issued	4	6	4	6
Commercial Inspections Performed (By City Staff)	0	6	0	6
Commercial Inspections Performed (By Outside Contractor)	0	0	0	0
<i>Code Enforcement &amp; Licensing</i>				
Code Enforcement Cases Initiated	10	20	10	20
Code Enforcement Cases Closed	0	18	0	18
Rental Inspections Performed (By Outside Contractor)	77	250	77	250
Rental Inspections Performed (By Outside Contractor)	0	0	0	0
Contractor & Vendor Licenses Issued	20	22	20	22
Rental Licenses Issued	7	7	7	7
<i>Economic Development</i>				
Economic Development Incentive Applications Received	0	0	0	0
Downtown Development District Applications Received	0	2	51	2
-Private Investment	\$ -	\$ 7,733,400.00	\$ 20,268,639.00	\$ 773,400.00
-State Investment	\$ -	\$ 614,000.00	\$ 2,328,185.00	\$ 614,000.00
-Milford Waivers	\$ -	\$ 3,188.20	\$ 199,093.34	\$ 3,188.20
<i>Planning &amp; Zoning</i>				
Outside Contractor Utilized	0	0	0	0
Land Use Applications Received	0	3	0	3

<b>Public Works Department</b>	July 2018	July 2019	FY19 YTD (07/01/18-06/31/19)	FY20 YTD (07/01/19-06/31/20)
<i>Electric Division</i>				
Trouble Service Calls	0	0	0	0
Work Orders Completed	0	0	0	0
After Hours Calls	0	0	0	0
Outages	0	0	0	0
Poles Replaced	0	0	0	0
Trees Trimmed	0	0	0	0
Meters Installed-New	0	0	0	0
Meters Re-Read	0	0	0	0
Meters Installed-Replacement	0	0	0	0
<i>Streets &amp; Utilities Division</i>				
Trouble Service Calls	0	0	0	0
Work Orders Completed	0	0	0	0
After Hours Calls	0	0	0	0
Street Storm Drains Cleaned	0	0	0	0
Street Potholes Filled/Cold Patch	0	0	0	0
Street Potholes Filled/Spray Patch (Gallons)	0	0	0	0
Street Crack Sealant Used (Pounds)	0	0	0	0
Street Curbs Swept (Miles)	0	0	0	0
Street Deicing Salt Used (Tons)	0	0	0	0
Street Signs Installed/Replaced	0	0	0	0
Street Closures/Special Events	0	0	0	0
Water Hydrants Flushed	0	0	0	0
Fire Hydrants Installed/Replaced	0	0	0	0
Water Lines Repaired	0	0	0	0
Water Valves Exercised	0	0	0	0
Sewer Lines Flushed	0	0	0	0
Sewer Lines S	0	0	0	0
Meters	0	0	0	0
Meters I	0	0	0	0
Meters In	0	0	0	0
<i>Water &amp; Waste Water Facilities Division</i>				
Water Treatment (Millions of Gallons)	0	0	0	0
Waste Water Transferred (Millions of Gallons)	0	0	0	0
Work Orders Completed	0	0	0	0
Pump Stations Cleaned	0	0	0	0
<i>Engineering Division</i>				
Utility Locates Completed	0	0	0	0
<i>Operations Division</i>				
Fleet Work Orders Completed	0	0	0	0
Fuel Use-Diesel (Gallons)	0	0	0	0
Fuel Use-Gas (Gallons)	0	0	0	0
<i>Solid Waste &amp; Facilities Division</i>				
Refuse Collected (Tons)	0	0	0	0
Recycle Collected (Tons)	0	0	0	0
Yard Waste Collected (Tons)	0	0	0	0
Leaves Collected (Tons)	0	0	0	0
Bulk/Brush Collection Requests Completed	0	0	0	0
<b>Projects</b>				
	Planning Stage	Bid/PO Award	In Progress	Complete
<i>Electric</i>				
DEL1 Substation Testing				
DEL2 Relay Replacement				
DEL2 Substation Testing				
Air Break Switch				
Traffic Signal Head Refurb-Church/Walnut/Washington				
GIS Mapping-Smart Metering				
Riverwalk Light Pole Powdercoat/Retrofit Phase II				
Line Reconductor-Wilber				
<i>Water</i>				
Automated Blow-off Valves Installation				
Tower Protection Upgrades-Caulk & Tenth				

No Information Provided.

Public Works Department	Planning Stage	Bid/PO Award	In Progress	Complete
Projects (Continued)				
Tower Altitude Valve-Caulk				
Water Treatment Facility Test Well-Tenth				
Water Treatment Monitoring & Process Control Upgrades (4&5)				
Valve & Hydrant Replacement/Improvements				
Water Treatment Facility Controls Standardized				
Lead Service Line Replacement-Priority Level 1				
Lead Service Line Replacement-Priority Level 2				
Lead Service Line Replacement-Priority Level 3				
Water Lines-NE Front				
<i>Waste Water</i>				
Pump Station Groundwater Investigation/Repair-Truitt				
SCADA Instrumentation Upgrades/Integration				
Inflow & Infiltration Investigation/Repair				
Sewer Line Replacement-SE Second				
Pump Station-Shawnee Acres				
<i>Streets</i>				
Street Repairs/Resurfacing-2018 (Mispillion)				
Street Repairs/Resurfacing-2019 (Fisher)				
Street Repairs/Resurfacing-2019 (Roosa)				
Street Repairs/Resurfacing-2019 (Masten)				
Street Repairs/Resurfacing-2019 (Plum)				
Street Repairs/Resurfacing-2019 (Marshall)				
Street Repairs/Resurfacing-2019 (Fifth)				
Street Repairs/Resurfacing-2019 (McCollum)				
Street Repairs/Resurfacing-2020 (Tenth)				
Street Repairs/Resurfacing-2020 (Eleventh)				
Street Repairs/Resurfacing-2020 (Twelfth)				
Street Repairs/Resurfacing-2020 (Thirteenth)				
Street Repairs/Resurfacing-2020 (Fourteenth)				
Street Repairs/Resurfacing-2020 (Fifteenth)				
Street Repairs/Resurfacing-2020 (Sixteenth)				
Street Repairs/Resurfacing-2020 (Seventeenth)				
Street Repairs/Resurfacing-2020 (Eighteenth)				
Street Repairs/Resurfacing-2020 (Nineteenth)				
Street Repairs/Resurfacing-2020 (Twentieth)				
Street Repairs/Resurfacing-2020 (Kings)				
Street Repairs/Resurfacing-2020 (Second)				
Street Repairs/Resurfacing-2020 (Barker)				
Street Repairs/Resurfacing-2020 (Church)				
Curb and Sidewalks (SE Second)				
Curb and Sidewalks (West)				
Sidewalk Improvements (City-Wide)				
ADA Compliant Ramps Installed (City-Wide)				
Pedestrian Crossing/Landscaping (Walnut)				
Parking Lot Seal/Stripe (NE Front/Denney)				
<i>Facilities</i>				
City Hall Exterior Doors Replacement (CIP)				
City Hall Chambers Audio System Upgrade				
City Hall Chambers Video System Installation				
City Hall Security Monitoring System Replacement				
City Hall IT HVAC Unit and UPS Battery Replacement (CIP)				
Public Works Electric SCADA/Smart Metering Wall Monitor				
Capital Improvement Program				
	Planning Stage	Bid Award / PO	In Progress	Complete
<i>Electric</i>				
Equipment-E-130, WH-001				
Vehicle-E-103, 106, 110, 115, 134, B-002				
<i>Water</i>				
Equipment-Elec Msg Board				
Vehicle-W-001, 004, 008, 010, 014, 015, 016				
<i>Waste Water</i>				
Equipment-Elec Msg Board				
Equipment-Zoom Sewer Camera				
Vehicle-SE-002, 013				
<i>Streets</i>				
Equipment-S-006, 022, 030, 049, 050				

No Information Provided.

Public Works Department	Planning Stage	Bid/PO Award	In Progress	Complete
Capital Improvement Program (Continued)				
Vehicle-S-001, 004, 005, 009, 038				
<i>Solid Waste</i>				
Vehicle-SW-012				
Residential Subdivisions				
	Plan Review	In Progress - Utility Installation	In Progress - Utility Inspections	Complete
200 NW Front St/Bond				
Brookstone Trace				
Cypress Hall-Phase I				
Cypress Hall-Phase II				
Fork Landing Farm				
Hearthstone Manor I				
Hearthstone Manor II				
Hickory Glen				
Knights Crossing				
Lighthouse Estates				
Milford Ponds-Phase I				
Milford Ponds-Phase II				
Milford Ponds-Phase III				
Misphillion Landing				
Orchard Hill				
Riverwalk Villas				
Simpson's Crossing				
Walnut Village				
Watergate				
West				
W.				
Wil				
Wil				
Winc				
Commercial Developments				
	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
10th St Medical Office				
Bayhealth Sussex Campus-Nemours				
Beach Babies				
DE Center for Excellence				
DE Rural Water				
DE Veterans Home				
DNREC Mosquito Control				
DSWA-Transfer Station				
Gator & Associates				
Growmark FS				
Hickory Glen				
Kidz Ink				
Mavis Discount Tires				
Microtel				
Mid-Delaware Professional				
Milford Ponds-Clubhouse				
Milford Wellness Village				
Misphillion River Brewery				
Nutrien Ag (fka Crop Production Svcs)				
Surf & Turf Steakhouse				
Touch of Italy (Business Park)				
Windward on the River				

No Information Provided.

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: June 2019

Cash Balance - General Fund Bank Balance	1,649,632
Cash Balance - Electric Fund Bank Balance	3,374,992
Cash Balance - Water Fund Bank Balance	1,153,976
Cash Balance - Sewer Fund Bank Balance	811,038
Cash Balance - Trash Fund Bank Balance	55,705

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	275,789	394,903	2,843,473	\$303,649
Deposits	44,473		78,109	
Interest Earned this Month	565	800	5,833	
Disbursements this Month	(41,472)		(41,667)	(\$55,193)
Investments				
Ending Cash Balance	\$279,355	\$395,703	\$2,885,748	\$248,456

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,294,840	8,727,732	4,103,711	8,520,634
Deposits	1,000,000	1,000,000		
Interest Earned this Month	15,256	45,068	19,150	
Disbursements this Month	(28,585)	(70,792)	(415)	
Investments				
Ending Cash Balance	\$3,281,511	\$9,702,008	\$4,122,446	\$8,520,634

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	2,464,539	\$1,515,114	\$718,540
Deposits	65,320	\$34,523	\$14,400
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,529,859	\$1,549,637	\$732,940

INTEREST THROUGH THE TWELTH MONTH OF THE FISCAL YEAR:

General Fund	72,090	Water Fund	34,701
GF Capital Reserves	62,605	Water Capital Reserves	183,029
Municipal Street Aid	6,062	Sewer Fund	10,086
Real Estate Transfer Tax	55,367	Sewer Capital Reserves	83,267
Electric Fund	81,442	Trash Fund	1,228
Electric Reserves	214,200		

TOTAL INTEREST EARNED TO DATE \$804,077

**REVENUE REPORT**

**Page Two**

Date: June 2019	AMOUNT BUDGETED	MTD	YTD	100% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	140,000	14,348	131,308	93.79%
General Fund Reserves	393,488	9,615	368,830	93.73%
GF Reserves-New Police Officers	80,150	0	80,150	100.00%
GF Reserves-Police Union Pay	197,000	0	197,000	100.00%
Realty Transfer Tax-Police	500,000	41,667	500,000	100.00%
Real Estate Tax	3,927,717	31,999	4,003,414	101.93%
Business License	50,000	2,080	50,500	101.00%
Rental License	85,000	3,425	105,550	124.18%
Building Permits	160,000	27,286	292,746	182.97%
Planning & Zoning	15,000	8,295	46,545	310.30%
Grasscutting Revenue	16,000	2,000	16,000	100.00%
Police Revenues	462,485	99,897	490,837	106.13%
Misc. Revenues	361,746	37,680	378,283	104.57%
Transfers From	3,370,720	280,893	3,370,720	100.00%
<b>Total General Fund Revenues</b>	<b>\$9,759,306</b>	<b>\$559,185</b>	<b>\$10,031,883</b>	<b>102.79%</b>
Water Revenues	2,848,500	260,276	2,991,313	105.01%
Sewer Revenues	2,919,709	290,882	2,821,957	96.65%
Kent County Sewer	1,850,000	141,841	1,795,819	97.07%
Solid Waste Revenues	1,178,243	96,212	1,140,034	96.76%
Electric Revenues	25,547,000	2,162,931	26,270,531	102.83%
<b>TOTAL REVENUES</b>	<b>\$44,102,758</b>	<b>\$3,511,327</b>	<b>\$45,051,537</b>	<b>102.15%</b>
YTD Enterprise Expense		<b>(74,819)</b>		
YTD Enterprise Revenue		<b>75,679</b>		
LTD Carlisle Fire Company Building Permit Fund		<b>504,643</b>		

**EXPENDITURE REPORT**

Page Three

Date: June 2019

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>City Manager</b>					
Personnel	546,934	\$56,475	549,970	100.56%	(3,036)
O&M	117,430	\$8,423	98,557	83.93%	18,873
Capital	0	\$0	0		0
<b>Total City Manager</b>	<b>\$664,364</b>	<b>\$64,898</b>	<b>\$648,527</b>	<b>97.62%</b>	<b>15,837</b>
<b>Planning &amp; Zoning</b>					
Personnel	145,345	\$13,635	144,639	99.51%	706
O&M	38,475	\$4,156	39,773	103.37%	(1,298)
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$183,820</b>	<b>\$17,791</b>	<b>\$184,412</b>	<b>100.32%</b>	<b>(592)</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	268,000	\$25,196	231,979	86.56%	36,021
O&M	113,530	\$7,842	116,522	102.64%	(2,992)
Capital	0	\$0	0		0
<b>Total P, C &amp; I</b>	<b>\$381,530</b>	<b>\$33,038</b>	<b>\$348,501</b>	<b>91.34%</b>	<b>33,029</b>
<b>Council</b>					
Personnel	24,230	\$2,691	24,300	100.29%	(70)
O&M	61,479	\$8,178	57,072	92.83%	4,407
Council Expense	18,250	\$955	18,238	99.93%	12
Contributions	175,500	\$0	175,000	99.72%	500
Codification	10,000	\$275	8,077	80.77%	1,923
Employee Recognition	17,000	\$748	16,418	0.00%	582
Insurance	17,700	\$0	17,396	98.28%	304
Christmas Decorations	9,581	\$0	9,581	100.00%	0
Economic Development	5,000	\$0	1,712	34.24%	3,288
Resident Survey	15,690	\$0	9,975	63.58%	5,715
Kent Economic Partnership	30,000	\$0	30,000	100.00%	0
Repair Parking Lot	15,000	\$0	0	0.00%	15,000
Armory Expenses	9,000	\$189	8,061	89.57%	939
Vinyard Shipyard	15,000	\$0	15,000	100.00%	0
Capital	0	\$0	0	0.00%	0
<b>Total Council</b>	<b>\$423,430</b>	<b>\$13,036</b>	<b>\$390,830</b>	<b>92.30%</b>	<b>32,600</b>
<b>Finance</b>					
Personnel	427,660	\$40,485	407,938	95.39%	19,722
O&M	84,850	\$4,469	70,169	82.70%	14,681
Capital	0	\$0	0		0
<b>Total Finance</b>	<b>\$512,510</b>	<b>\$44,954</b>	<b>\$478,107</b>	<b>93.29%</b>	<b>34,403</b>
<b>Information Technology</b>					
Personnel	159,366	\$15,377	157,995	99.14%	1,371
O&M	200,450	\$4,074	160,997	80.32%	39,453
Capital	47,726	\$0	47,726	100.00%	0
<b>Total Information Technology</b>	<b>\$407,542</b>	<b>\$19,451</b>	<b>\$366,718</b>	<b>89.98%</b>	<b>40,824</b>

**EXPENDITURE REPORT**

Page Four

Date: June 2019

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Police Department</b>					
Personnel	4,421,720	\$468,569	4,421,444	99.99%	276
O&M	622,038	\$59,608	580,022	93.25%	42,016
Capital	92,946	\$0	92,946	100.00%	0
<b>Total Police</b>	<b>\$5,136,704</b>	<b>\$528,177</b>	<b>\$5,094,412</b>	<b>99.18%</b>	<b>42,292</b>
<b>Streets &amp; Grounds Division</b>					
Personnel	394,200	\$33,809	357,008	90.57%	37,192
O&M	444,305	\$34,923	348,779	78.50%	95,526
Capital	124,349	\$29,281	124,349	100.00%	0
<b>Total Streets &amp; Grounds</b>	<b>\$962,854</b>	<b>\$98,013</b>	<b>\$830,136</b>	<b>86.22%</b>	<b>132,718</b>
<b>Parks &amp; Recreation</b>					
Personnel	687,196	\$48,655	600,032	87.32%	87,164
O&M	286,100	\$39,878	237,373	82.97%	48,727
Capital	113,256	\$4,615	113,256	100.00%	0
<b>Total Parks &amp; Recreation</b>	<b>\$1,086,552</b>	<b>\$92,948</b>	<b>\$950,661</b>	<b>87.49%</b>	<b>135,891</b>
<b>Total General Fund</b>					
<b>Operating Budget</b>	<b>\$9,759,306</b>	<b>\$912,306</b>	<b>\$9,292,304</b>	<b>95.21%</b>	<b>467,002</b>

**EXPENDITURE REPORT**  
**Page Five**

Date: June 2019

100% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	269,170	\$22,624	258,004	95.85%	11,166
O&M	1,216,187	\$152,541	1,161,755	95.52%	54,432
Capital	1,033,378	\$1,008,378	1,027,398	0.00%	5,980
Debt Service	329,765	\$46,500	290,151	87.99%	39,614
<b>Total Water</b>	<b>\$2,848,500</b>	<b>\$1,230,043</b>	<b>\$2,737,308</b>	<b>96.10%</b>	<b>111,192</b>
<b>Sewer Division</b>					
Personnel	267,659	\$21,858	249,318	93.15%	18,341
O&M	1,506,036	\$139,307	1,510,167	100.27%	(4,131)
Capital	750,524	\$567,315	744,544	0.00%	5,980
Debt Service	395,490	\$61,095	359,982	91.02%	35,508
<b>Sewer Sub Total</b>	<b>\$2,919,709</b>	<b>\$789,575</b>	<b>\$2,864,011</b>	<b>98.09%</b>	<b>55,698</b>
Kent County Sewer	1,850,000	\$141,790	1,767,117	95.52%	82,883
<b>Total Sewer</b>	<b>\$4,769,709</b>	<b>\$931,365</b>	<b>\$4,631,128</b>	<b>97.09%</b>	<b>138,581</b>
<b>Solid Waste Division</b>					
Personnel	346,828	\$25,000	333,207	96.07%	13,621
O&M	831,415	\$70,629	828,409	99.64%	3,006
Capital	0	\$0	0		0
<b>Total Solid Waste</b>	<b>\$1,178,243</b>	<b>\$95,629</b>	<b>\$1,161,616</b>	<b>98.59%</b>	<b>16,627</b>
<b>Total Water, Sewer Solid Waste</b>					
	<b>\$8,796,452</b>	<b>\$2,257,037</b>	<b>\$8,530,052</b>	<b>96.97%</b>	<b>266,400</b>
<b>Electric Division</b>					
Personnel	1,362,116	\$103,870	1,273,722	93.51%	88,394
O&M	2,098,507	\$176,069	1,717,530	81.85%	380,977
Transfer to General Fund	2,500,000	\$208,333	2,500,000	100.00%	0
Capital	966,412	\$729,754	966,412	100.00%	0
Debt Service	319,965	\$51,407	319,965	100.00%	0
<b>Electric Sub Total</b>	<b>\$7,247,000</b>	<b>\$1,269,433</b>	<b>\$6,777,629</b>	<b>93.52%</b>	<b>469,371</b>
Power Purchased	18,300,000	\$1,436,570	16,924,718	92.48%	1,375,282
<b>Total Electric</b>	<b>\$25,547,000</b>	<b>\$2,706,003</b>	<b>\$23,702,347</b>	<b>92.78%</b>	<b>1,844,653</b>
<b>TOTAL OPERATING BUDGET</b>					
	<b>\$44,102,758</b>	<b>\$5,875,346</b>	<b>\$41,524,703</b>	<b>94.15%</b>	<b>2,578,055</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: June 2019

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	100% of Year Expended YTD%	UNEXPENDED BALANCE
<b>Garage</b>					
Personnel	91,215	7,797	92,328	101.22%	(1,113)
O&M	106,393	7,785	104,668	98.38%	1,725
Capital	50,000	0	41,859	83.72%	8,141
<b>Total Garage Expense</b>	<b>\$247,608</b>	<b>15,582</b>	<b>\$238,855</b>	<b>96.46%</b>	<b>8,753</b>
<b>Public Works</b>					
Personnel	524,980	43,468	488,375	93.03%	36,605
O&M	236,055	26,362	195,360	82.76%	40,695
Capital	10,000	0	0	0.00%	10,000
<b>Total Public Works Expense</b>	<b>\$771,035</b>	<b>69,830</b>	<b>\$683,735</b>	<b>88.68%</b>	<b>87,300</b>
<b>Billing &amp; Collections</b>					
Personnel	579,820	64,001	626,639	108.07%	(46,819)
O&M	225,650	20,948	214,659	95.13%	10,991
Capital	20,000	0	16,675	83.38%	3,325
<b>Total Billing &amp; Collections</b>	<b>\$825,470</b>	<b>84,949</b>	<b>\$857,973</b>	<b>103.94%</b>	<b>(32,503)</b>
<b>City Hall Cost Allocation</b>					
Personnel	0				0
O&M	88,300	2,796	73,326	83.04%	14,974
Capital	0				0
<b>Total City Hall Cost Allocation</b>	<b>\$88,300</b>	<b>2,796</b>	<b>\$73,326</b>	<b>83.04%</b>	<b>14,974</b>

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.



*You're Invited to*

**The Delaware Municipal Electric Corporation's**

*25th Annual  
Members Dinner*

**September 18, 2019 | 5:30 P.M.**

**Dover Downs Hotel & Conference Center**

*RSVP to Kendra Friel at  
(302) 653-2733 or [kfriel@demecinc.net](mailto:kfriel@demecinc.net)*



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**Social Hour | 5:30 P.M.**  
**Dinner & Presentations | 6:30 P.M.**

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## **Welcome & Opening Remarks**

Speaker: **Patrick E. McCullar, President & CEO**  
*Delaware Municipal Electric Corporation*

## **Light Up Navajo Project Update**

Speaker: **Walter Haase, General Manager**  
*Navajo Tribal Utility Authority*

## **The Power of Giving Back**

Speaker: **Kimberly Schlichting, COO - SVP Power Supply**  
*Delaware Municipal Electric Corporation*

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### **Dover Downs Hotel & Conference Center**

1131 North DuPont Highway  
Dover, DE 19901

**RSVP by Sept. 4th** to Kendra Friel at (302) 653-2733 or [kfriel@demecinc.net](mailto:kfriel@demecinc.net)

**DEMEC**

**Delaware Municipal Electric Corporation**



DEMEC serves the communities of  
New Castle, Newark, Middletown, Clayton, Smyrna, Dover, Milford, Seaford, and Lewes

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# Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

## S.C.A.T. Dinner for Wednesday, September 11, 2019

*Town of Bethany Beach*

*Town of Bethel*

*Town of Blades*

*Town of Bridgeville*

*Town of Dagsboro*

*Town of Delmar*

*Town of Dewey Beach*

*Town of Ellendale*

*Town of Fenwick Island*

*Town of Frankford*

*Town of Georgetown*

*Town of Greenwood*

*Town of Henlopen Acres*

*Town of Laurel*

*City of Lewes*

*City of Milford*

*Town of Millsboro*

*Town of Millville*

*Town of Milton*

*Town of Ocean View*

*City of Rehoboth Beach*

*City of Seaford*

*Town of Selbyville*

*Town of Slaughter Beach*

*Town of South Bethany*

*Sussex County Council*

LOCATION: Dewey Beach Lions Club  
115 McKinley Street (Bayside of Coastal Highway)  
Rehoboth Beach, DE 19971

TIME: 6:00 pm – Cash Bar  
6:30 pm – Dinner

HOST: Town of Dewey Beach

SPEAKER: Tim Slavin, Division of Historical and Cultural Affairs

COST: \$40.00 per person

MENU: Woody’s & Bethany Blues  
Artisan Cheese, harvest Crackers, Seasonal Chutneys  
Spinach Salad with Bleu Cheese, Candied Pecans, Cranberries, and  
Balsamic Vinaigrette  
Slow Smoked Beef Brisket  
Woody’s Famous Crab Cakes  
Mashed Potatoes  
Roasted Vegetable Medley (served hot)  
Corn Bread w/ Honey Butter  
Slider Rolls

**PLEASE RSVP TO CHRISTINE NO LATER THAN AUGUST 27, 2019.**

For those bringing guests, please make checks payable to: Town of Dewey Beach

**Reminder: S.C.A.T. Steering Committee Breakfast**

Friday, September 13th, 2019 at 9AM

ARENA’s Delaware Coastal Airport

Cost: \$11.00 (checks written to Arena’s)

RSVP to Kristen Dabrowski [kdabrowski@georgetowndel.com](mailto:kdabrowski@georgetowndel.com)



PUBLIC WORKS DEPARTMENT  
180 Vickers Drive  
Milford, DE 19963

PHONE 302.422.1110  
FAX 302.422.1117  
www.cityofmilford.com

To: Eric Norenberg, City Manager  
From: Mark A. Whitfield, Public Works Director  
Subject: City Hall Basement Waterproofing and Restoration  
Date: August 7, 2019

In January 2019 Council awarded a contract to EDiS of Wilmington DE to do an evaluation and recommendation of waterproofing and restoring the City Hall basement. In June, Council received a report as well as a cost estimate for completing the work. At that time, EDiS did not have a repair cost for the chimney work, and Council requested that work be included, as well as breaking out the cost of the interior sub-floor drainage system. EDiS' estimates are attached.

Cost to waterproof the basement includes	
Interior Sub-floor Drainage System	\$ 49,750
Exterior Drainage System	\$ 49,900
Repairs to Chimneys	<u>\$ 23,250</u>
Total	\$122,900

Each element of the project would be completed by a specialty contractor. Because no one contract is more than \$50,000, staff can obtain competitive quotes for each specialty contract. If the project were to be bid as one project, staff estimates \$20,000 would be needed for professional services to develop a bid package.

Interior restoration could be completed under a separate project once the water proofing contract is complete.

Cost to complete interior restoration	\$213,695
Add 15% Contingency	\$ 32,055
Professional Services	<u>\$ 35,000</u>
Total	\$280,750

**Recommendation:** Staff recommends City Council authorize staff to proceed with waterproofing the City Hall basement with funding not to exceed \$140,000 (\$122,900 + \$17,100 contingency) with funds coming from General Reserves.



June 21, 2019

Ms. Christie Murphy  
The City of Milford  
180 Vickers Drive  
Milford, DA 19963

Re: Milford City Hall Water Infiltration Report/Recommendations

Please see below a brief summary on the water infiltration issue experienced at the Milford City Hall.

During the week of November 12, 2018, EDiS was engaged by the City of Milford, Erik Retzlaff, to provide services to investigate the water infiltration into the Lower Level of the City Hall building. Included in these services would be a recommendation for remediation of the water infiltration. Below is a summary of the investigation along with comments from our consultants.

A meeting was held onsite with Erik Retzlaff and the City of Milford to get an understanding of the issue and the frequency of the water infiltration into the Lower Level area of the City Hall building. A few heavy rain events had caused some significant water damage to the Lower Level area. One event was contributed to water infiltration through one of the existing masonry chimneys. (This water infiltration issue is not a part of this investigation). It was determined that an agreed path forward would be to enlist the services of Harry Caswell Plumbing and Davis, Bowen & Friedel, Inc. The scope of the investigation for Harry Caswell Plumbing would be to provide video services of the existing underground storm water management piping along with an associated sketch format "as-builts". Please see attachments for these items. The scope of work for Davis, Bowen and Friedel would be to provide civil engineering services as required. We have also consulted with the City of Milford for additional archived drawings of the existing storm water piping system down-stream from the City Hall property.

Our findings from the video taken of the existing rain water conductor drain piping and the existing perimeter foundation drain piping were intact and performing without noting any obstructions. The video taken to and from the existing catch basins did not find any obstructions from the existing parking lot area to the existing storm sewer piping at S Washington Street. In consulting with Davis, Bowen and Friedel regarding the existing infrastructure below the parking lot, the sizing of the existing piping is adequate to handle the storm water capacity. Also, a factor that could be contributing to this issue is the discharge of the storm water into the Mispillion River. The discharge could be restricted during extreme high tide situations which in turn could cause a back-up into the existing storm water piping preventing the proper discharge from the City Hall property. Further investigation from Davis, Bowen and Friedel could confirm this theory. EDiS did receive additional drawings from the City of Milford showing the routing of the existing storm water piping down S Washington Street to 2<sup>nd</sup> Street. These drawings did





not indicate the actual location of the discharge point. If additional documents can be obtained, the review of the existing storm water piping, downstream from the City Hall property, can be completed.

**Recommended Action:**

1. Isolate the rain water conductor piping discharge and the perimeter drain discharge to "catch basin #1" This will be accomplished by having the existing rain water conductors discharge to grade and ensure proper drainage away from the building. The existing inlets to catch basin #1 for both the existing rain water conductors and the existing perimeter drain will be infilled at the catch basin #1. The existing perimeter drain system is not effective due to the location of the perimeter drain piping. Due to the existing elevations of the inlets into catch basin #1, the perimeter drain piping had to be installed at an elevation higher than the existing footing elevation. This decreases the effectiveness of the perimeter drain performing to the greatest extent. The method of controlling the water in the stairwell landings will be as follows. A catch basin will be installed at each stairwell landing area outside the existing doors. This catch basin will be piped to the interior of the building into a sump pit. This pit will have a sump pump which will pump the water out above the ceiling to the existing exterior grade. The budget estimate cost for this scope of work is \$51,850.00.

2. Fit-Out Lower Level: Complete fit out to restore the lower level back to original condition along with a new perimeter drain system at the existing exterior walls, as well as, a trench drain (tied into the perimeter drain system), at each existing exterior door. The building material for the partitions, from existing floor level to 3'-0" above the finish floor, will be materials that are resistant to water absorption. Above the 3'-0" mark to the ceiling line will be conventional building materials. Existing finishes will be restored to include acoustical ceiling system, paint, casework and a water resistant carpet. The existing lights and hvac grilles and diffusers will be re-installed to their original locations. The budget estimate cost for this scope of work is \$263,595.00

To date, EDiS is approximately have spent \$15,000.00 out of the \$29,000.00 budgeted fee for the evaluation.

Please feel free to contact our office with any questions/comments.

Thank you.

*Leon Thompson, Jr.*

Leon Thompson Jr  
EDiS Company  
Estimator/Project Manager





July 3, 2019

Ms. Christie Murphy  
The City of Milford  
180 Vickers Drive  
Milford, DE 19963

Re: Milford City Hall Water Infiltration Report/Recommendations

**Recommendation #1: \$49,900.00**

Scope as per EDiS report dated June 21, 2019 (Attached)

**Interior Sub Floor Drainage System: \$49,750.00**

Scope to include: Remove/dispose of existing perimeter metal studs as required for installation of new sub floor drainage system. Removal/re-install (2) existing toilets as required for installation of new sub floor drainage system. Relocate existing elevator cabinet as required for the installation of the new sub floor drainage system. Relocate existing HVAC items and water lines as required for the installation of the new sub floor drainage system. The installation of the new sub floor drainage system to include an interior water guard drainage system at perimeter of lower level, interior trench drains at each exterior door which is tied into perimeter drainage system, and the installation of the Triple Safe pump system with discharge to the exterior via a lawn outlet. Provide and install dedicated electrical outlets for all pumps and other related electrical devices.

Please do not hesitate to contact our office if you require further information.

Sincerely,  
EDiS Company

Leon Thompson, Jr.  
Estimator/Project Manager



## Whitfield, Mark

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**From:** Murphy, Christie  
**Sent:** Tuesday, August 6, 2019 1:05 PM  
**To:** Whitfield, Mark  
**Subject:** FW: Milford City Hall Water Infiltration Pricing Options

*Christie L. Murphy*

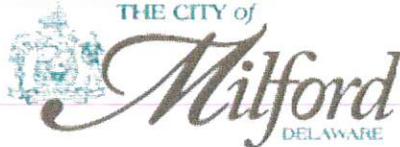
Supervisor Solid Waste & Facilities

O (302) 422-1110 x.1191

F (302) 422-1117

[cmurphy@milford-de.gov](mailto:cmurphy@milford-de.gov)

[www.cityofmilford.com](http://www.cityofmilford.com)



**From:** Leon Thompson <lthompson@ediscompany.com>  
**Sent:** Friday, August 2, 2019 1:25 PM  
**To:** Murphy, Christie <cmurphy@milford-de.gov>  
**Cc:** Jim Diguglielmo <jdiguglielmo@ediscompany.com>; Dawn Stewart <dstewart@ediscompany.com>  
**Subject:** FW: Milford City Hall Water Infiltration Pricing Options

Happy Friday Christie,

No problem and we are sorry if the various pricing option were a little confusing. When Jimmy and I were at the Council meeting, in regards to the waterproofing/drainage system upgrades, we were asked to break costs of the interior drainage system and the exterior drainage system improvements. However, please see below with costs as requested with a brief description of the associated scope of work:

**Drainage System Upgrades/New Installation:**

- Interior Sub Floor Drainage System: Scope of work includes proposed system provided and installed by DryZone Inc **\$49,750.00**
- Exterior Drainage System: Isolate existing building from existing storm water system and provide a sump pit & pump at each exterior stair landing to handle rain water at the base of the (2) exterior Stairs **\$49,900.00**

**Total Drainage System**

**Upgrades:** **\$99,650.00**

**Interior Lower Level Fit-Out:**

Complete fit-out to restore the Lower Level back to the original level of finishes. Note: This pricing includes DryZone's Inc scope of work related to interior drainage. \$263,595.00

**Masonry Repairs to Existing Chimneys:**

Re-pointing the existing masonry from the roof line up to chimney cap on each existing chimney. Addition of new chimney caps at each existing chimney. \$23,350.00

Hope this helps with defining the scopes of work with the associated costs.

If there are any further questions/comments, please feel free to contact me. Sometimes easier to talk it through vs stating in an email.

Thank you and have a good weekend.

Leon

---

**From:** Murphy, Christie <[cmurphy@milford-de.gov](mailto:cmurphy@milford-de.gov)>  
**Sent:** Thursday, August 1, 2019 9:57 AM  
**To:** Leon Thompson <[lthompson@ediscompany.com](mailto:lthompson@ediscompany.com)>  
**Cc:** Jim Diguglielmo <[jdiguglielmo@ediscompany.com](mailto:jdiguglielmo@ediscompany.com)>  
**Subject:** RE: Milford City Hall Water Infiltration Report/Recommendations

Hi Leon,

Hope you had a nice vacation. I spoke with Mark last week, it seems we really need a clear number on the chimney, or at least give us "worst-case-scenario" for the chimney work. Council was pretty clear on that when the presentation was done back in June. We would like the chimney evaluation done. There is plenty of money left in the investigative budget.

In order to make this perfectly clear to City council, it would be good to have two total numbers, 1) basement waterproofing and 2) basement fit-out. Please advise how soon this work can be completed and estimated the date of when we can receive a final report. We would like to plan for the next upcoming council meeting.

We are really trying to get this project wrapped up as soon as possible. Thanks

*Christie L. Murphy*

Supervisor Solid Waste & Facilities

O (302) 422-1110 x.1191

F (302) 422-1117

[cmurphy@milford-de.gov](mailto:cmurphy@milford-de.gov)

[www.cityofmilford.com](http://www.cityofmilford.com)



# SPECIAL EVENT PERMIT APPLICATION

Applicant: Downtown Milford, Inc.

Event: Ladybug Music Festival

Event Date: Saturday, September 21, 2019 from 3:00 pm until 9:00 pm  
Set up: Noon; Dismantle complete: 10:30 pm

Location: N/S Walnut Streets, Park Ave, SW Front Street (see attached map)

Contact: Sara Pletcher  
302.519.6767

Attendees: 3,500 people

Description of Event: Music festival to take on City streets, State streets, and in City park; Live entertainment; Alcohol sold in three locations.

Security Plan: 12 crowd managers; 0 Off Duty Milford Police Department personnel requested.

Fire and Life Safety: Public Assembly Permit as may be required by the State Fire Marshal.

Medical Plan: On-site access to 911, CPR and first aid station required; Sussex County EMS on site.

Sanitation: Milford Parks & Rec to place **TBD** additional trash cans around site; **TBD** staff members to pick up trash during event; Volunteers and Milford Parks & Rec staff to return site to pre-event conditions by 10:30 pm.

Streets/Traffic: 10 City owned type 3 street barricades requested (City staff will deliver, but not set up); Street closures will begin at 12:00 noon and will reopen at 10:30 pm; Certified flaggers required AT ALL times at NW Front/N Walnut; No flaggers required at S Walnut/SE Front, N Washington/Denny Row, S Walnut/SW Front (Applicant required to notify neighboring property owners in writing).

Entertainment: One stage, 40 performers/bands at multiple venues (schedule pending) with amplified sound from 3:00 pm until 9:00 pm (Applicant required to notify neighboring property owners in writing).

Concessions/Vendors: Pending.

Alcohol: Yes.

## **Chapter 77 - ALCOHOLIC BEVERAGES**

### **§ 77-1. - Public consumption.**

*It shall be unlawful for any person to consume any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the above stated areas within the municipal boundaries of the City of Milford.*

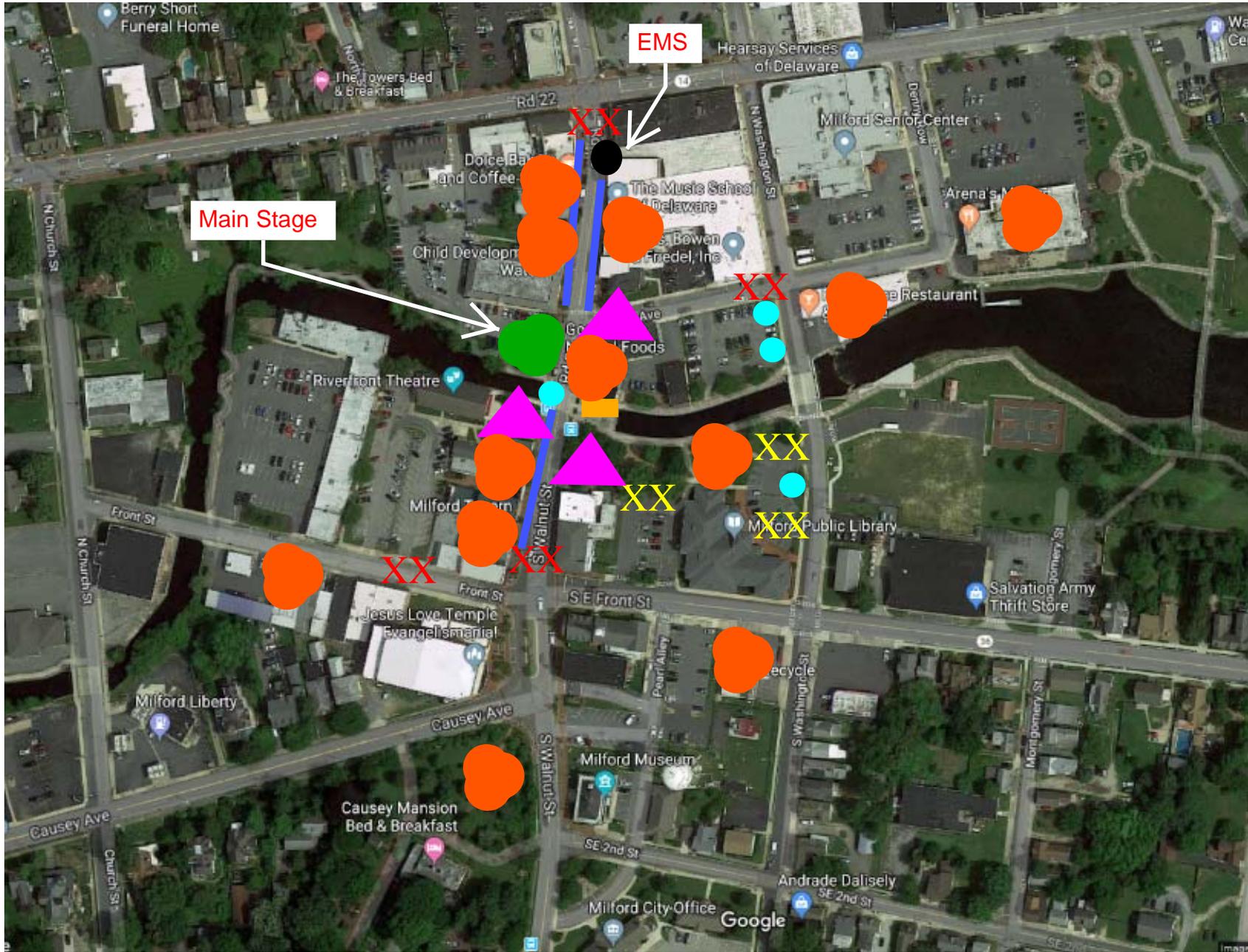
### **§ 77-2. - Public possession.**

*It shall be unlawful for any person to possess in an open container any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks, parks and similar public areas or in vehicles upon any of the stated areas within the municipal boundaries of the City of Milford.*

### **§ 77-3. - Special events.**

*Alcoholic beverages may be sold and consumed at special events or gatherings in public places, upon application to and approval of the City Council.*

# Ladybug Music Festival



XXX Type 3 Barricades

Restrooms

XX Sawhorse Barricades  
(with no alcohol signs)

Venue Locations (12)

Vendors

No Alcohol Signs

Bar (no fencing)



201 South Walnut Street  
Milford, DE 19963  
www.cityofmilford.com

City Hall 302.422.1111  
Direct 302.424.8394  
ENorenberg@milford-de.gov

August 9, 2019

TO: Mayor and City Council

FROM: Eric Norenberg, City Manager  
Ken Brown, Police Chief

SUBJECT: Appropriation for Retro Pay – Police Step Correction

### **Background and Discussion**

In 2016, the City of Milford and General Teamsters Local 326 agreed to a four-year collective bargaining agreement (CBA) that would run through June 30, 2018. A key change in the contract that was requested by members was to implement a pay chart for all union ranks and positions with years of service.

Following the recently completed negotiations for the CBA that was effective July 1, 2018, a discrepancy was discovered in the alignment of 21 officers who were one step behind on the pay scale as it relates to their years of service on the pay chart.

As the issue was clearly one where both parties understood the intent and that the error was unintended, the City negotiating team recommended settling this issue, though it came up outside of the just-completed negotiations. Accordingly, on June 26, 2019, an agreement was reached between the Teamsters and the City. And, as of July 1, 2019, the rank and years of service for all officers align with the negotiated pay chart.

### **Fiscal Impact**

All officers impacted by the correction for the additional step back to July 1, 2018 received their retroactive pay on July 26, 2019. As a result, a supplemental appropriation from General Fund Reserves is needed to fund the retroactive pay for FY2018-19 in the amount of \$28,960. This covers wages, pension contributions and other employee-related expenses that are multipliers of the corrected wages.

### **Recommendation**

It is recommended that the City Council approve a supplemental appropriation from General Fund Reserves for the FY2018-19 Police Department payroll to fund the retroactive pay in the amount of \$28,960.

**CITY OF MILFORD  
RESOLUTION 2019-11  
WATER FEE SCHEDULE**

Now, Therefore, be it Resolved by the City of Milford:

<b>MONTHLY BILLING FEES</b>			
<i>Description</i>		<i>Fee</i>	
Usage Fee; Residential; In-City Users	0 gallons of metered water	\$3.25 per month	
	1-4,000 gallons of metered water consumption	\$3.25 per 1,000 gallons, per month	
	4,001-8,000 gallons of metered water consumption	\$3.50 per 1,000 gallons, per month	
	Over 8,000 gallons of metered water consumption	\$4.00 per 1,000 gallons, per month	
Usage Fee; Residential Out-of-City Users	0 gallons of metered water	\$3.25 per month	
	1-4,000 gallons of metered water consumption	\$4.88 per 1,000 gallons, per month	
	4,001-8,000 gallons of metered water consumption	\$5.25 per 1,000 gallons, per month	
	Over 8,000 gallons of metered water consumption	\$6.00 per 1,000 gallons, per month	
Usage Fee; Commercial	1" meter	Up to 10,000 gallons	\$32.50 per month
		10,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	1.25" meter	Up to 15,000 gallons	\$48.75 per month
		15,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	1.5" meter	Up to 25,000 gallons	\$81.25 per month
		25,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	2" meter	Up to 50,000 gallons	\$162.50 per month
		50,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	3" meter	Up to 125,000 gallons	\$406.25 per month
		125,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	4" meter	Up to 300,000 gallons	\$975.00 per month
		300,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	6" meter	Up to 800,000 gallons	\$2,600.00 per month
		800,001-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
	8" meter	Up to 1.2M gallons	\$3,900.00 per month
		1.21M-31M gallons	\$2.60 per 1,000 gallons, per month
		Over 31M gallons	\$3.25 per 1,000 gallons, per month
10" meter	Up to 1.6M gallons	\$5,200.00 per month	
	1.61M-31M gallons	\$2.60 per 1,000 gallons, per month	
	Over 31M gallons	\$3.25 per 1,000 gallons, per month	
12" meter	Up to 2M gallons	\$6,500.00 per month	
	2.1M-31M gallons	\$2.60 per 1,000 gallons, per month	
	Over 31M gallons	\$3.25 per 1,000 gallons, per month	

Temporary Water Usage Fee		\$50.00 per day, plus \$4.00 per 1,000 gallons, per month
Fire Line/Hydrant, Private	Availability Fee	\$15.00 per month
Late Monthly Utility Payment Fee		1.50% per month
Water Tampering Fee		\$250.00 per occurrence
Water Account Set Up Fee		\$50.00 each
Water Service Re-connection Fee		
Service Call; during normal business hours		\$50.00 per occurrence
Service Call; after normal business hours		\$100.00 per occurrence
Water Meter Testing Fee		\$100.00
<b>PERMITTING FEES</b>		
<i>Description</i>		<i>Fee</i>
Water Tap/Connection Permit		\$10.00
Water Tap/Connection Fee		Actual City cost
Water Line Installation Fee		Actual City cost, plus 10%
Water Line Inspection Fee		\$35.00
Water Line Re-inspection Fee		\$50.00
Water Meter Fee	Residential, 1"	\$200.00
	Commercial, 1"	\$350.00
	Over 1"	Calculated on individual basis
Water Meter Installation Fee		\$35.00
Fire Line	2" line size	\$2,500
	4" line size	\$3,000
	6" line size	\$3,500
	8" line size	\$4,000
	10" line size	\$6,000
Impact Fee, City	July 1, 2018	\$2,840 per EDU
	July 1, 2019	\$2,954 per EDU
	July 1, 2020	\$3,072 per EDU
	July 1, 2021	\$3,195 per EDU
	July 1, 2022	\$3,323 per EDU
	July 1, 2023	\$3,456 per EDU
	July 1, 2024	\$3,594 per EDU
	July 1, 2025	\$3,738 per EDU
	July 1, 2026	\$3,887 per EDU
July 1, 2027	\$4,043 per EDU	
Impact Fee, Irrigation		\$2,840 per connection <i>Equal to current City Impact Fee</i>
<b>MISC FEES</b>		
<i>Description</i>		<i>Fee</i>
Penalties & Fines		Not less than \$50 nor more than \$1,000 plus cost of prosecution

**Resolution 2019-11 replaces Resolution 2019-01 in its entirety.**

Adopted and Effective: August 12, 2019

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Mayor Arthur J. Campbell



PUBLIC WORKS DEPARTMENT

180 Vickers Drive

Milford, DE 19963

PHONE 302.422.1110

FAX 302.422.1117

[www.cityofmilford.com](http://www.cityofmilford.com)

To: Eric Norenberg, City Manager  
From: Mark A. Whitfield, Public Works Director  
Subject: Engineering Services for I & I Investigation  
Date: August 7, 2019

As part of the Capital Improvement Plan requests submitted by the Department, investigation of inflow and infiltration (I & I) of ground/storm water into the sanitary sewer system was identified as a project.

In June 2019, the Department utilized engineers from KCI to assist in developing a program to begin to identify particular areas of the City to focus our attention on the I & I problem. In development of the 2018-2022 Capital Improvement Plan, staff recommended \$250,000 be earmarked for I & I investigation and remediation. In 2019, the City paid Kent County nearly \$870,000 to treat I & I flow.

Presently, the City has one invoice from KCI for engineering services related to the I & I project, but we expect several others over the course of the next year, as the investigation continues. We also expect the need to contract for flow monitors and sewer line televising as part of the investigation.

**Recommendation:** Staff recommends City Council authorization of \$50,000 from Sewer Reserves to cover investigation costs, including engineering, for the I & I project.



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

CITY OF MILFORD  
180 Vickers Drive  
Milford, DE 19963

July 16, 2019

Invoice No. 661837

Attention: Mark A. Whitfield  
Public Works Director

KCI Job No: 131803632.II

CITY OF MILFORD - INFLOW AND INFILTRATION  
Billing Period: 06/03/19 through 06/30/19

**TASK 01**

**PRELIMINARY DATA GATHERING AND ANALYSIS**

- Preparation and attendance for the kickoff meeting held on 06/03/19.
- Coordination with the City to obtain data.
- Review of existing data.
- GIS mapping to assist in determining priorities.

	<u>Hours</u>	<u>Rates</u>	<u>Amounts</u>
Sr. Project Manager	15.5	\$134.50	\$2,084.75
Project Engineer	13.5	\$110.00	\$1,485.00
Mileage			\$97.44
			\$3,667.19

TOTAL DUE THIS INVOICE

\$3,667.19

APPROVED BY:

Jason McClaffety, PE  
Project Manager  
db

OK.  
~~203-3030-432~~  
 203-3030-432  
 8/5/19

Employee-Owned Since 1988



July 2, 2019

TO: Community and Economic Development Committee  
FROM: Eric Norenberg  
SUBJECT: Service Club Welcome Sign

### Background

In 2016, several of the Milford service club signs were removed when the old “Welcome to Milford” sign near the overpass leading into Milford at the Route 1/113 split was removed. As a result of the DeIDOT requirements for installation of the new “Welcome to Milford” sign, additional signs could not be reinstalled at that location.

In the year or so following, there was a proposal that the City find a new, prominent location to have such signs installed. Several new locations were discussed with the City Council and ultimately, current location on NE Front Street on City-owned land located near the Kent County Pump Station. Renderings of example designs and layouts of the service club signs were presented to City Council. Following that discussion, Parks and Recreation staff were asked to get quotes for a similar sign and landscaping for installation in Milford. Funding was later secured from then-Representative Kenton.

### Discussion

The selected design has room for the logos of six organizations. Four were included at no cost by the sign contractor with the expectation that he could recoup some of the cost from individual clubs for adding dates, times and locations for meetings.

That leaves two blank spaces. The City has received requests from other organizations that are not typically considered “service clubs”, including the Chamber of Commerce for Greater Milford. Parks and Recreation staff were asked to identify and survey other possible service clubs operating in Milford to gauge interest. No surveys were returned.

### Options

1. Allow additional entrants on a first-come, first-served basis. Requestors will need to pay for the cost of the sign (\$150) and they must be considered a non-profit, but not necessarily a service club (i.e. Chamber of Commerce for Greater Milford).
2. Allow additional entrants on a first-come, first-served basis. Requestors will need to pay for the cost of the sign (\$150), but they must be charitable non-profit service organization.

### Other Issue

Staff would appreciate the input from the Committee on handling the limited number of spaces please. If at some point, we have more requests than we have space, do we develop a rotating schedule so that older signs come off for a year and new ones go on, then participation rotates annually?

**R & R COMMERCIAL REALTY**  
**46 S. State Street, Dover, DE 19901**  
**(302) 674-3400 fax: (302) 674-8479**

**LISTING AGREEMENT**  
**EXCLUSIVE AND SOLE RIGHT TO SELL**

**EXCLUSIVE RIGHT TO SELL.** In consideration of the acceptance by the undersigned licensed Delaware real estate broker (hereinafter "Broker") of the terms of this Contract and Broker's promise to endeavor to effect a sale of the property described below (hereinafter "Property"), I or we, as owner(s) (hereinafter "Seller") employ and grant Broker the exclusive and irrevocable right commencing on 7/9/2019, and expiring at midnight on 7/9/2020 to sell the Property described herein.

**PROPERTY.** For purposes of this Contract, the "Property" means the real property in Kent or Sussex County, Delaware described below plus all fixtures and improvements thereon and all appurtenances incident thereto.

**DESCRIPTION.** All that certain property located at Independence Commons Professional Park and Greater Milford Business Complex, Milford, DE more particularly described below:

**Independence Commons Professional Park**

- Lot 4 consisting of 11.52 +/- acres with a listing price of \$460,000**
- Lot 5 consisting of 1.00 +/- acres with a listing price of \$100,000**
- Lot 7 consisting of 1.01 +/- acres with a listing price of \$100,000**
- Lot 8 consisting of 1.00 +/- acres with a listing price of \$100,000**
- Lot 9 consisting of 1.00 +/- acres with a listing price of \$100,000**
- Lot 10 consisting of 1.00 +/- acres with a listing price of \$100,000**
- Lot 11 consisting of 1.00 +/- acres with a listing price of \$100,000**
- Lot 16 consisting of 3.00 +/- acres with a listing price of \$270,000**
- Lot 18 consisting of 1.69 +/- acres with a listing price of \$100,000**

**Greater Milford Business Complex**

- Lot D4 consisting of 1.40 +/- acres with a listing price of \$125,000**

**Additional properties may be included during the term of this agreement by mutual consent of both parties and at an agreed upon price.**

**PRICE.** The listing price shall be as listed above for each individual lot or such other price as may be accepted or authorized by the Seller during the term of this Listing Agreement, or any extension thereof.

**COMPENSATION TO BROKER.** If Broker produces a ready, willing and able Buyer in accordance with this Contract, or if a sale of the Property is made by Seller through any other agent, or otherwise, during the term of this exclusive listing, for services rendered, Seller agrees to pay Broker a cash commission of Six (6%) percent of the gross consideration for which the Property is sold. In the event that the property is sold by R&R Commercial Realty Inc, commissions shall be reduced to Five (5%) percent of the gross consideration for which the Property is sold.

If within six (6) months after the expiration of this Contract, or any extension thereof, a lease is made by Lessor to any person, anyone, or company, with whom the Broker or undersigned had negotiated during the listing term, then the said commission shall be due and payable to Broker.

Seller agrees not to execute any other listing agreement with any other brokerage during the term of this Listing Agreement. This Contract can be modified only by writing signed by both Broker and Seller.

**MARKETING, PROMOTION AND SIGNAGE.** Exclusive and unrestricted privilege is hereby granted Broker to place Broker's sign (s) on the Property advertising the Property for sale.

The Broker agrees to market and promote Seller's properties on websites, listing services, social media and to utilize other media and advertising that the Seller and Broker agree are necessary. The Broker agrees to pay for any and all marketing, promoting and advertising that the Seller authorizes. The undersigned understands that he/she is responsible for any and all marketing expenses incurred by Broker during the listing term if this Listing Agreement is canceled for cause within the first one hundred eighty (180) days of the said listing term, unless cancellation for cause is due to inadequate marketing and promotion.

**MLS.** The Seller authorizes Broker to submit the Property to any multiple listing service in which Broker is a participant, and to accept the cooperation of other brokers to show the Property to prospective Buyers.

**ROLE OF BROKER.** Seller acknowledges that Broker is not responsible for the custody or condition of the Property or for its management, maintenance, upkeep, or repair.

Broker agrees to submit any and all written offers by prospective Buyers to the Seller. Broker is under no obligation to submit verbal offers. Broker shall not be required to submit written offers once Seller has accepted and executed a bona fide Agreement of Sale.

**COOPERATION BY SELLER.** Seller agrees to make available to Broker and prospective Buyers all data, records and documents pertaining to the Property. Seller agrees to comply with all applicable federal, state, county, or municipal fair housing and civil rights legislation in the sale of the Property and further agrees specifically not to discriminate against any person because of race, color, creed, sex, religion, age, marital status, national origin, or handicap.

The Seller hereby covenants that he/she has disclosed any and all defects of any part of the Property to Broker and has made no deliberate misrepresentations as to the condition of any part of the Property.

**INDEMNIFICATION.** Seller agrees to indemnify and hold Broker, all Boards of Realtors, and all other cooperating brokers harmless against any and all claims, liability, damage or loss arising from any misrepresentation or breach of warranty by Seller in this Contract, any incorrect information supplied by Seller and any facts concerning the Property not disclosed by Seller, including without limitation, any facts known to Seller relating to adverse conditions or latent defects.

The undersigned hereby covenants that he/she is empowered to execute this Contract binding the Seller to the terms of this Listing Contract. Further, the undersigned hereby covenants that he/she is empowered to execute a Lease Agreement for the Property binding the Seller to the ultimate terms of a Lease Agreement. In the event any changes are made by Seller to the individuals empowered by Seller to execute an Agreement of Sale binding the Seller to the terms of a Lease Agreement, Seller agrees to notify Broker in writing of said change.

-----  
Signed, sealed and delivered in the presence of:

**R & R COMMERCIAL REALTY, INC**

\_\_\_\_\_  
**Attest**

\_\_\_\_\_  
**By: Charles C. Rodriguez, Broker**

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**Date Commission Expires**

\_\_\_\_\_  
**City of Milford**

\_\_\_\_\_  
**Attest/City Clerk**

\_\_\_\_\_  
**By: Mayor Arthur L. Campbell**

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**Date Commission Expires**



# Support the 2019 Milford Community Parade! "Comic Books Come To Life"

Milford's longest running family tradition marches on Walnut Street!

Keep the tradition alive. Your sponsorship of \$20, \$40, \$50 or more will help defray the cost associated with the Milford Community Parade. And now you can include your sponsorship in a **separate check** when you mail in your electric bill.

Here's how you can help us reach our goal of \$10,000 in sponsorships: Just write a check in the amount of your sponsorship to Milford Community Parades, Inc. and include the check in your electric bill with the bottom portion of this flyer. The City of Milford will forward your contribution to the Milford Parade Committee. Then join us on Walnut Street, Wednesday, October 16, 2019 at 6:30pm for "Comic Books Come To Life". We are on Facebook at Milford Parade for fun facts and updates. Download an entry form at [www.milfordparade.com](http://www.milfordparade.com). Thank you for your continued support.

---

YES! Keep the tradition alive---

Please accept my  \$20  \$40  \$50  \$100 Campaign\*\*

**\*\*RECEIVE A YARD SIGN FOR YOUR YARD OR WINDOW!**

Sponsorship on behalf of

---

individual name / family name / company name

---

street address

---

city/state/zip check #



Please return this bottom portion and separate check with your electric bill.

Amory Lease Transfer/Delaware Community Reinvestment Action Council (DCRAC) to Elevated Community Development Corporation (CDC)

# City of Milford

## REVISED PUBLIC NOTICE

The following ordinance is currently under review by Milford City Council.

Public comments will be accepted during the Council Meeting on August 26, 2019 at Milford City Hall, 201 South Walnut Street, Milford, DE, beginning at 7:00 p.m.

### ORDINANCE 2019-07

WHEREAS, in 2016, the City of Milford desires to adopted an ordinance to provide procedures for the consideration of economic development incentives and the use of economic development tools; and

WHEREAS, the State of Delaware recently raised the minimum threshold for small Downtown Development District (DDD) projects from \$15,000 to \$25,000; and

WHEREAS, to remain consistent with the State of Delaware Downtown Development District Rebate Program requirements, staff presented the proposed increase to City Council; and

WHEREAS, City Council felt it was in the best interest of potential developers to no longer consider a minimum improvement value by offering the DDD incentives for any type of improvement, regardless of its value.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section I.

Chapter 19 - ECONOMIC DEVELOPMENT AND REDEVELOPMENT

Section II.

Article II, is hereby amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

ARTICLE III - Specific Economic Development Incentive Programs

An applicant for economic incentives under this chapter must apply for and meet the conditions of one of the SEDIP programs available under this Article III.

§ 19-8. - Greater Milford Business Complex Incentive Program.

§ 19-9. - Downtown Development District Incentive Program.

A. Eligibility.

(1) Eligible Projects shall include any new residential or commercial construction, redevelopment, or expansion within the Downtown Development District and meet the following criteria:

(a) Is located within the target area; and

(b) The fair market value of the materials to be used and the labor to be performed on the project exceeds the sum of zero (\$0) dollars \$15,000; and

- (c) Is for commercial, office, and/or residential use; and
- (d) Conforms to the intent of this ordinance.

Section III. Council Meeting Dates:

Introduction: August 12, 2019

Adoption: August 26, 2019

Section IV. Effective Date.

Ordinances are effective ten days following the adoption by City Council.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at [www.cityofmilford.com](http://www.cityofmilford.com). Additional details on the ordinance can be obtained by calling the City Planner's Office at 302-424-8396.

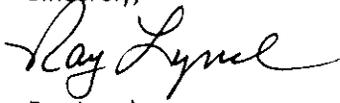


March 5, 2019

Dear Archie,

This letter is my notification to you and the City of Milford that I will be stepping down from my Planning Commission position on August 31, 2019, which is the end of my current three-year term. I have thoroughly enjoyed serving the city I love during these past 3+ years on the Commission, and working with the other commissioners and Rob Pierce. It is exciting to see our city transforming to the next level and I am thankful to the city leaders for allowing me the opportunity to be a part of this transition period.

Sincerely,

A handwritten signature in cursive script that reads "Ray Lynch". The signature is written in black ink and is positioned above the printed name.

Ray Lynch



**CITY OF MILFORD, DELAWARE  
PARKS & RECREATION ADVISORY BOARD**

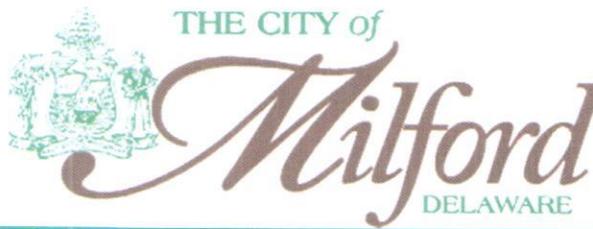
LAST NAME	FIRST NAME	TERM EXPIRES	WARD	Column1
<b>CHAIRMAN</b>				
Fulton	Andrew	8/31/2019	2	
<b>MEMBERS</b>				
Evans	Edward	8/31/2021	3	Vice Chair
Howard	Eli	8/31/2020	2	
Mergner	Christopher	8/31/2021	1	
Villalobos	Anne	8/31/2020	1	

**ATTENDANCE**

LAST NAME	FIRST NAME	2019 MAR	2019 JUNE
Fulton	Andrew		
Evans	Edward		
Howard	Eli		
Mergner	Christopher		
Villalobos	Anne		



OFFICE OF THE CHIEF OF POLICE  
 KENNETH L. BROWN  
 kenneth.brown@cj.state.de.us



400 NE Front Street  
 Milford Delaware 19963  
 302.422.8081 Fax 302.424.2330

DATE: August 6, 2019

TO: Mayor Arthur Campbell  
 Council Members

FROM: Chief Kenneth L. Brown 

RE: Request to Purchase two 2019 Chevy Tahoe's from FY19-20 Police Capital Budget

Purchase and equip two (2) new 2019 4WD Chevrolet Tahoe Police Patrol Vehicle at state contract.

Vehicles:	\$ 74,462
Graphics & Installation:	\$ 1,700
Equipment:	\$ 14,000
Axon Cradle:	\$ 300
Antenna for Cradle point:	\$ 600
DIVCOM:	\$ 900
Removal of Equip & stripes	\$ 800

Equipment for vehicles will include light bars, circuit breakers, prisoner transport seats, RLED & BLED grills, radio antennas, modem antennas, cradle points etc. All new equipment will have to be purchased for new vehicles because old equipment from older police vehicles is not compatible with new Chevy Tahoe's. Additional expenses include installation of the equipment by DIVCOM, and the purchase of graphics and installation of graphics.

Total Requested for line item: \$92,762.00 (\$462.00 overage)