

# City of Milford



## CITY COUNCIL AGENDA

**Monday, August 26, 2019**

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

**6:45 P.M.**

### **WORKSHOP SESSION**

Lights On Milford Strong Campaign Update

**7:00 P.M.**

### **COUNCIL MEETING**

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Public Hearings

Recognition

Communication & Correspondence

Unfinished Business

Approval/Amory Lease Transfer/Delaware Community Reinvestment Action Council (DCRAC) to Elevated Community Development Corporation (CDC)

Adoption/Ordinance 2019-07/Chapter 19/Economic Development & Redevelopment/Incentives/Reduces Value Threshold from \$15,000 to Zero ®

Adoption/Resolution 2019-08/Downtown Development District/Area Expansion ®

New Business

Alcohol Waiver/Chapter 77/Alcoholic Beverages/Benvenuto Restaurant LLC/Riverwalk Shopping Center

Approval and Funding Appropriation/FY 2019-20 Budget Adjustment/Customer Service Department

Funding Appropriation/Walnut Street Bridge Pedestrian Crossing/Professional Service Contract

Bid Award/Bid 2019-WA-02/SE Second St Utility, Curb & Sidewalk Improvements

Sidewalk Repair Project/Low Income Criteria and Prioritization/Repairs

Approval/Simpsons Crossing/Development Agreement/Sewer Impact Fee Amendment

Discussion/Proposed Business License Program

Adoption/Resolution 2019-12/Baltimore Aircoil Company/Committee to Investigate Annexation Request ®

\*EXECUTIVE SESSION

Motion to Recess into Executive Session

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

Adjournment

All items, other than those on a Workshop Session 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.

062719 071519 080219 080919 081219 081519 081619 \*added 082019 by Mayor

Amory Lease Transfer/Delaware Community Reinvestment Action Council (DCRAC) to Elevated Community Development Corporation (CDC)



**TO:** Mayor and City Council

**FROM:** Rob Pierce, Planning & Economic Development Director

**DATE:** August 26, 2019

**RE:** Downtown Development District – 2019 Expansion & Local Incentive Amendment

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In January 2019, the State of Delaware, Office of State Planning Coordination (OSPC) issued updated Downtown Development District (DDD) program guidelines which increased the local district acreage for municipalities with populations between 9,000 to 30,000 persons from 170 acres to 185 acres. The City of Milford DDD area currently includes 169 +/- acres of land; therefore, the City has the opportunity to expand the DDD area by 15 acres. Areas adjacent to the District were analyzed for low income populations, high vacancy rates, available vacant land, property maintenance violations and blighted structures.

On March 25, 2019, City Council recommended expanding the district to include areas north and west of the current district boundary, including parcels along Truitt Avenue, West Street, N. Church Street and North Street generally between NW Fourth Street and NW Sixth Street. Staff also proposed to remove portions of City right-of-way and open space parcels to maximize the amount of private land within the District Area.

At the May 13, 2019 Community & Economic Development Committee meeting, the committee discussed the current DDD local incentive minimum threshold. Staff had proposed to raise the minimum threshold from \$15,000 to \$25,000 to match the State program guidelines; however, the committee requested staff completely eliminate the minimum threshold requirement and offer the DDD local incentives to any amount of investment within the District Area. Staff submitted the local incentive change request to the State of Delaware in the middle of May.

On June 20, 2019, the Cabinet Committee on State Planning Issues (CCSPI) approved the City's request to expand the District Area and remove portions of the City right-of-way and public lands, resulting in a district area of 184.9 acres as shown on the attached Exhibit F. In addition, the CCSPI was pleased with the City's aggressiveness to attract private investment and voted to approve the proposed change in the local DDD incentives.

Enclosed is an ordinance to amend Chapter 19 pertaining to the DDD local incentives and an ordinance to amend the DDD boundary as approved by the State of Delaware.

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 ~~\$15,000~~ zero (\$0) dollars; 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.

# City of Milford



## RESOLUTION 2019-08

RESOLUTION IN SUPPORT OF  
DOWNTOWN DEVELOPMENT DISTRICT AREA EXPANSION

WHEREAS, under the Downtown Development Districts Act, 22 Del.C. § 1901 et seq. (the "Act"), the State of Delaware designates districts within Delaware's cities, towns, and unincorporated areas that qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are to be known as Downtown Development Districts ("Districts"); and

WHEREAS, on August 10, 2016, Governor Jack Markell announced a statewide expansion of Delaware's Downtown Development District (DDD) program to include the City of Milford; and

WHEREAS, this designation has provided state and local incentives to new businesses and expansion of existing businesses within the City's Downtown Development District; and

WHEREAS, the City Council of the City of Milford strongly believes that it is in the best interest of the City of Milford to capture an additional fifteen acres thus allowing more properties to be considered for these incentives.

NOW, THEREFORE, Be It Resolved by the City of Milford:

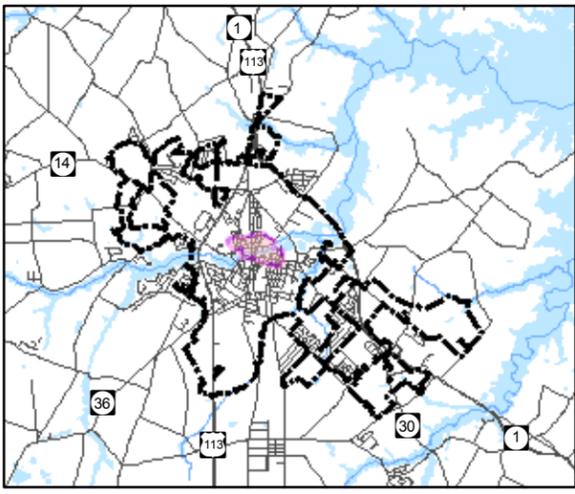
City Council supports the district expansion by a majority vote to approve the boundaries as depicted on attached map.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 26th day of August 2019.

Attachment: 2019 District Expansion Boundary Adjustments Exhibit F

APPROVED: \_\_\_\_\_  
Mayor Arthur J. Campbell

ATTEST: \_\_\_\_\_  
City Clerk Teresa K. Hudson



# City of Milford Downtown Development District

2019 District Expansion  
Boundary Adjustments

## Exhibit F

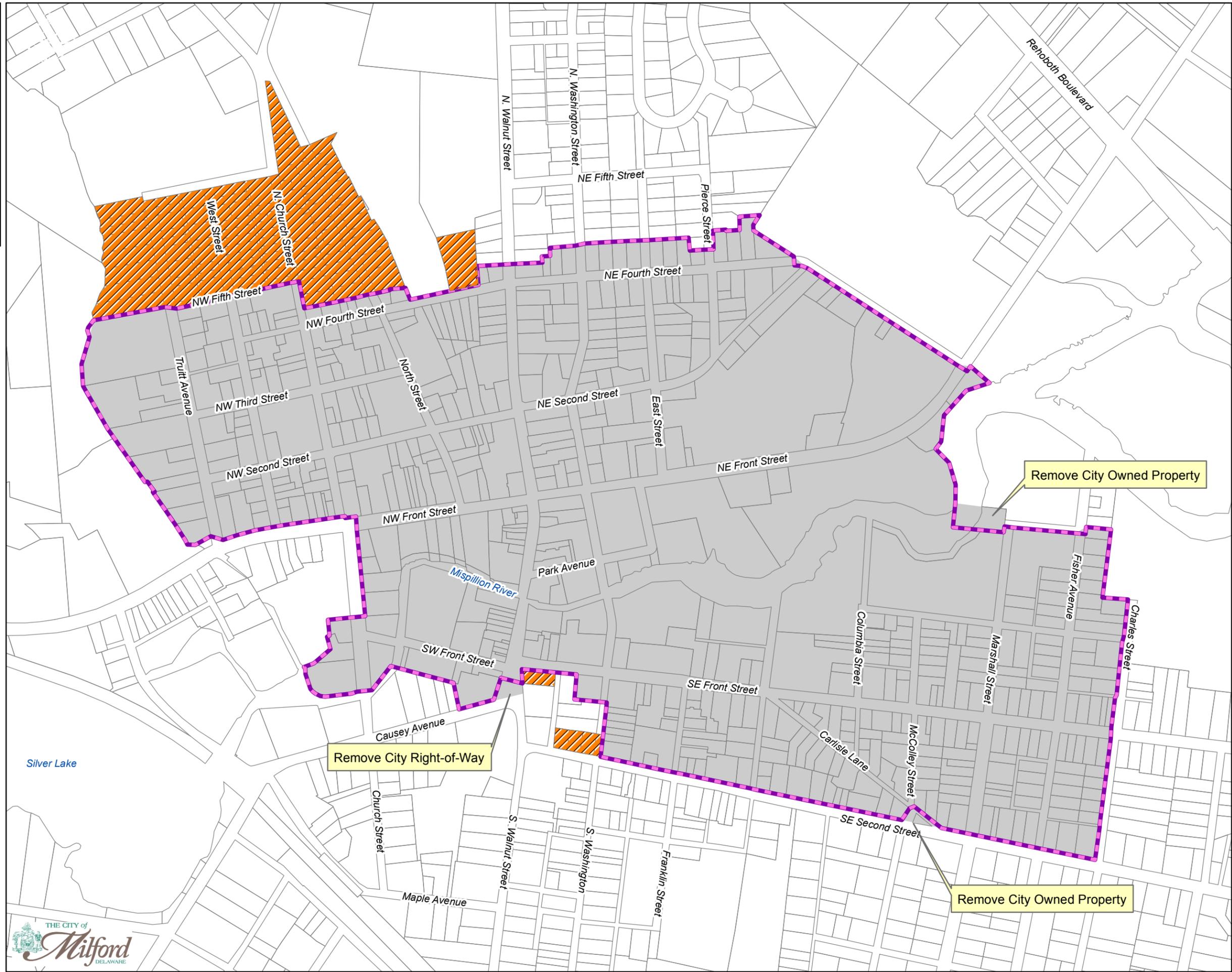


- Proposed Expansion - 16.6 Acres
- Proposed Adjusted Boundary - 168.3 Acres
- Existing Downtown Development District Boundary

- 96 - Parcels
- 19 - Vacant Lots
- 32 - Properties with Code Violations Since 2017
- 16 - 2019 Registered Rental Properties
- 12 - Building Permits Issued Since 2017



Date: 4/9/2019 User Name: RPierce  
2019\_DDD\_ProposedExpansion\_ExhibitF





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 2, 2019

Mr. Rob Pierce  
Planning and Development Director  
201 South Walnut Street  
Milford, DE 19963

RE: Downtown Development District modifications

Dear Mr. Pierce: *Rob*

Thank you for your letter of April 9, 2019 requesting approval of the Cabinet Committee on State Planning Issues for the following changes to your Downtown Development District:

- An expansion to the existing Downtown Development District to include 96 additional parcels located primarily in the northwest portion of the District contiguous to the existing DDD boundary.
- To remove some right-of-way and City owned lands in order to maximize the potential for private investment in the District.
- Amend the local incentive ordinance. Currently the ordinance requires a minimum investment of \$15,000 to receive local incentives. The proposal is to eliminate the minimum investment threshold so that any investment in the District will receive incentives, which include building permit fee waivers, City water, sewer and electric impact fee waivers and full or partial property tax abatements.

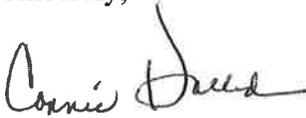
On June 20, 2019 the Cabinet Committee on State Planning Issues, at its scheduled meeting, approved the proposed changes effective upon the final approval by the City Council to amend the boundaries and to change the incentive. Once this has been approved by council please forward a copy of the information to this office so our records can be updated.

Page 2 of 2

Per our records the City of Milford designated Downtown Development District was 170 acres. The net change, including the deletions and additions of this proposed change will bring the district boundary to 184.89 acres out of an allowable 185.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Constance C. Holland". The signature is written in a cursive style with a large initial "C".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

Cc: David Edgell



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

June 24, 2019

Mr. Rob Pierce  
Planning and Development Director  
City of Milford  
180 Vickers Drive  
Milford, DE 19963

RE: Downtown Development District boundary expansion

Dear Mr. Pierce: *Rob*

Thank you for your letter of April 9, 2019 requesting a boundary extension to your existing Downtown Development District Designation. According to the letter received, the town is requesting a net addition of 14.9 acres as noted on the map included with the request.

On June 20, 2019 the Cabinet Committee on State Planning Issues, at its scheduled meeting, approved the boundary expansion effective upon the final approval by the City Council to amend the boundaries.

Per our records the City of Milford's designated Downtown Development District was 170 acres. With the net addition of the 14.9 acres approved at this meeting the total district is now 184.89 acres. Please note that the total allowable acreage for the City of Milford is 185 acres.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

Cc: David Edgell

**From:** Walton Johnson <walton.johnson@me.com>  
**Sent:** Thursday, August 22, 2019 4:22 PM  
**To:** Crouch, Christine <CCrouch@milford-de.gov>  
**Subject:** Re: CORRECTIONS Fwd: Re: Special Event Permit: Riverwalk Freedom Festival

Christine,

This just a follow up to our earlier phone conversation today. Benvenuto, LLC needs to be removed from the City of Milford Counsel Meeting as they are withdrawing their application for the Special Event. After a meeting this afternoon (Thursday, August 22, 2019 at Angela Dorey's Office) the plans have been changed and Benvenuto, LLC is being stationed on Walnut Street during the day and after 4:00 PM they want us to move over the beer garden. Benvenuto, LLC has agreed to the changes therefore, they are not needing the permit because, the Chamber of Commerce already has the items required by the City of Milford in place.

Thank you so much for all your help.

Poncho & Lisa

Walton & Lisa Johnson  
Sunset Cove  
3 Haven Lake Avenue  
Milford, Delaware 19963  
(302) 422-1086  
[walton.johnson@me.com](mailto:walton.johnson@me.com)

Finance  
10 SE Second Street  
Milford, DE 19963  
www.cityofmilford.com



SUZANNAH FREDERICK  
Finance 302.424.5140  
Direct 302.424.5145  
SFrederick@milford-de.gov

August 26, 2019

To: Mayor and Council  
From: Suzannah Frederick  
Subject: Customer Service Fiscal Year 2019 final appropriation

### **Purpose**

The purpose of this memo is to review budget impacts experienced by the Customer Service Office during fiscal year 2019.

### **Background and Discussion**

The Customer Service Department was over budget \$34,676 for Fiscal Year 2019. Employee medical coverage changes after the budget was approved make up over \$17,000 of this amount, utility bill printing was over budget \$2,600, and credit card charges were \$11,000 over the original budget. The remaining \$4,076 is related to additional overtime and mid-year promotions and one-week salary and benefits of our new hire.

### **Fiscal Impact**

It is requested that City Council authorize additional funding of \$34,676 to cover Fiscal Year 2019 Budget as \$17,338 out of Electric Reserves, \$8,669 out of Water Reserves, \$8,669 out of Sewer Reserves.



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: Walnut Street Bridge Pedestrian Crossing  
Date: August 22, 2019

The Riverwalk is somewhat disjointed when it comes to a pedestrian crossing at Walnut Street. Presently, pedestrians are required to use crosswalks at either SE Front Street or Park Avenue for a legal crossing. In investigating a mid-block crossing between Park Avenue and SE Front Street, DELDOT requires handicapped ramps be installed as part of the crossing. In lieu of installing handicapped ramps, one scenario investigated was raising the existing bridge deck such that the crossing would be the same elevation as the sidewalks on each side. In short, raising the deck would create a traffic calming speed table at mid-block, thereby creating a safe, and possibly attractive, location for a pedestrian crossing. The crossing at that location would also link each side of the Riverwalk.

I have investigated the above proposal with DELDOT who analyzed the bridge for the additional load of adding paving bricks on the bridge deck. DELDOT's engineers confirmed that the bridge would support the additional dead load, and paving bricks could be accommodated. Additionally, DELDOT's traffic engineers were supportive of both the mid-block crossing, as well as the traffic calming speed table.

I requested and received a proposal from KCI Technologies Inc for a potential design, that would include several meetings with elected officials and downtown stakeholders, in developing a design and project budget. Once a design and budget has been completed and approved by Council, funding sources for the project construction can be sought.

The 2019 – 2023 Capital Improvement Plan identified the Walnut bridge design project for the 2020 budget year, with funds coming from General Fund Reserves.

**RECOMMENDATION:** Staff recommends Council authorize \$10,000 from General Fund Reserves for the Walnut Street Bridge Pedestrian Crossing Design Project.

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Proof

Client	KCI TECHNOLOGIES INC	Phone	(302) 731-9176
Address	1352 MARROWS RD NEWARK , DE 19711	EMail	Karen.Sheets@kci.com
		Fax	
AD #	352853	Requested By	KCI TECHNOLOGIES INC
Account#	127347	PO #	#2019-WA-02
Class	5005	Created By	JLEVY
Start Date	08/01/19	Creation Date	07/30/2019
End Date	08/01/19	Dimensions	2 X 7.792
Run Dates	2	Price	<b>\$295.20</b>
Pubs	Delaware State News, Newszap		
Order #	352853		
Sales Rep	Karen Riggan	Phone	(302) 741-8273
		EMail	jlevy@newszap.com
		Fax	(302) 741-8215

**SECTION 00020**

**INVITATION TO BIDDERS**

The City of Milford is seeking responsible contracting firms for the completion of construction improvements as part of their **SE SECOND STREET UTILITY, CURB, & SIDEWALK IMPROVEMENTS, CONTRACT NO. 2019-WA-02**. The scope of WORK on the proposed project includes the demolition, removal and replacement of a potential maximum of approximately 50,000 SF of sidewalk and associated work.

Sealed BIDS, in duplication, for the general construction of the **SE SECOND STREET UTILITY, CURB, & SIDEWALK IMPROVEMENTS, CONTRACT NO. 2019-WA-02**, will be received by the City of Milford at Milford City Hall, 201 S. Walnut Street, Milford, Delaware 19963, until **2:00 P.M. LOCAL TIME ON AUGUST 22, 2019**.

BIDS will be opened publicly and read aloud in the Council Chambers at Milford City Hall at the time designated in this notice. The main purpose of the BID opening is to reveal the name(s) of the BIDDER(S), and not to serve as a forum for determining the low BIDDER(S). Any BIDS not in the possession of the City of Milford after that time will be returned unopened. It is the responsibility of the BIDDER to ensure their BID is received prior to the closing date and time.

**ENVELOPES MUST BE CLEARLY MARKED "SE SECOND STREET UTILITY, CURB, & SIDEWALK IMPROVEMENTS, CONTRACT NO. 2019-WA-02, BID OPENING AUGUST 22, 2019, 2:00 P.M." AND SENT TO THE "ATTENTION OF THE CITY CLERK'S OFFICE"**. No faxed or electronic BIDS will be accepted.

The CONTRACT DOCUMENTS may be examined and/or obtained at the City of Milford Public Works Facility, 180 Vickers Drive, Milford, Delaware 19963, upon payment of \$20.00 for each set, non-refundable. Checks should be made payable to the City of Milford. Responsible BIDDERS will be required to provide BID SECURITY in the amount of 10% of the bid sum. The successful bidder must post PERFORMANCE and PAYMENT BONDS equal to 100% of the contract price upon execution of the CONTRACT.

An OPTIONAL Pre-BID Meeting will be held at **2:00 PM, AUGUST 12, 2019** at the City of Milford Public Works Facility, 180 Vickers Drive, Milford, Delaware 19963.

The City reserves the right, as the interest of the City of Milford may appear, to reject any and all BIDS, to waive any informality or irregularity in the BIDS received, to accept or reject any items of any BID, and to adjust the estimated quantities listed at their sole discretion.

**CITY OF MILFORD**  
Eric Norenberg  
City Manager  
352853 DSN 8/1/2019



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: SE 2<sup>nd</sup> Street Utility, Curb, and Sidewalk Improvement Project  
Date: August 22, 2019

In preparation for DELDOT's planned paving of SE 2<sup>nd</sup> Street from Rehoboth Boulevard to South Walnut Street, staff has utilized the engineering services of KCI Technologies to prepare plans and specifications for the replacement of lead gooseneck water service lines, replacement of a section of sanitary sewer line due to uneven slopes, and replacement of deteriorated curbing as well as sidewalk where it is abutting curbing. The project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget.

On August 22, 2019, at 2:00pm, bids for the project were to be opened in the City Hall Council Chambers, however, no bids were received. KCI will re-advertise the project for a new bid opening of September 18, 2019, and an expected Council award on September 23, 2019.

Staff recommends funding authorization to cover the cost of professional services for the project.

**Recommendation:** I recommend Council authorize an appropriation of \$35,000 for professional services of the SE 2<sup>nd</sup> Street Utility, Curb and Sidewalk Project with funding as follows: \$5,000.00 (15%) General Fund Reserves (Streets), \$25,000 (70%) Water Reserves, and \$5,000.00 (15%) Sewer Reserves.

Sidewalk Repair Project/Low Income Criteria and Prioritization/Repairs

TO: Mayor and City Council

FROM: Rob Pierce, Planning & Economic Development Director

DATE: August 26, 2019

RE: Simpsons Crossing – Development Agreement

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The Simpsons Crossing subdivision was approved by City Council on May 29, 2007 for a total of 1,023 units, consisting of 455 single-family detached, 342 townhouses and 226 multi-family units. The subdivision was recorded with Sussex County Recorder of Deeds in 2007 and the project approvals are still valid based on Chapter 200 Subdivision of Land.

The property was purchased by Liborio Milford, LLC, represented by Mr. Lou Ramunno, in 2015. The Developer has begun site construction and we are working with the developer to finalize an updated development agreement.

During review of the development agreement, the Developer provided the City a copy of the attached easement agreement that was executed in 1993 related to a City sanitary sewer project. The agreement was for the installation of a 12” sanitary sewer gravity main to be constructed from S. Walnut Street to Route 113 across the undeveloped parcel. Paragraph 8 of the easement agreement states “if and when development occurs on the Simpson farm, the City will permit hook-ups to be made to the existing sewer main at existing cost (i.e. tap fees, impact fees, etc.)” The Developer claims that the easement agreement language should reduce the City sewer impact fee to the 1993 rates, which were \$600.00 per Equivalent Dwelling Unit (EDU). The request and copies of the agreement were forwarded to the City Solicitor for review.

Due to the ambiguity and vagueness of the easement agreement language, it has been recommended that we provide a reduction of the City sewer impact fee for those connections made to the sanitary sewer line that was constructed within the provided easement, which is 46 dwelling units based on the approved construction plans. The current City sewer impact fee for FY2020 is \$1,561.00. The difference between the current rates and the 1993 rates is \$961.00 per dwelling unit, which when multiplied by the 46 proposed connections, equates to a value of \$44,206.00.

The City is seeking approval from City Council to add language to the draft development agreement for the Simpsons Crossing subdivision, acknowledging the reduction of the City sewer impact fee from \$1,561.00 to \$600.00 for the 46 residential lots that connect to the sanitary sewer main that was installed within the acquired easement in 1993.

If approved by City Council, and updated agreement will be presented to the Developer for review. Upon concurrence from the Developer, the agreement will be brought before City Council for approval.

2420

BDW 1895 PAGE 212

P/O 1-30 J 263.4  
Prep. by: FUGLA, YORK & ROGERS  
P.O. Box 250  
Georgetown, DE 19947

DEED OF EASEMENT

This is a Deed of Easement made this 23<sup>rd</sup> day of January, 1993, by and between: VIRGINIA S. KENNEDY, ROBERT J. KENNEDY, III, JANET E. KENNEDY, ELIZABETH MORRIS, formerly Elizabeth S. Ashley, REBECCA S. GOPEL, FRANCES S. BURN, THOMAS W. BURN, JR., ANN C. CANNON, of 210 Gills Neck Road, Leves, Delaware 19958, hereinafter referred to as "Grantor",

- A N D -

THE CITY OF MILFORD, a political subdivision of the State of Delaware, hereinafter referred to as "Grantee",

W I T N E S S E T H

For and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, the receipt of which is hereby acknowledged and other good and valuable consideration, the Grantor has this day bargained and sold and by these presents does bargain, sell, convey, transfer and deliver to the Grantee a permanent easement and right of way including the perpetual right to enter upon the real estate hereinafter described at any time that it may see fit and to construct, maintain and repair, sewage distribution and collection facilities, including the necessary accessories and appurtenances on, under, over and across the said lands together with the right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and

2074 HIL 2/1/93 CH-EX SU .00

FORM 100-0-00000  
REV. 10-1-80  
DELAWARE, DE 19947

0257 333 2/ 1/93 TX-EX 5T .00

maintenance of said improvements, provided that Grantor(s) shall have the right to use the land covered by this Agreement for any lawful purpose not inconsistent with or in contravention of the rights of the Grantee. A permanent easement is hereby granted to Grantee being more particularly described in Exhibit A attached hereto.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the day and year aforesaid.

*[Signature]*  
Witness

*Virginia S. Kennedy*  
Virginia S. Kennedy

*Robert J. Kennedy, III*  
Robert J. Kennedy, III

*Janet E. Kennedy*  
Janet E. Kennedy

*Elizabeth Morris*  
Elizabeth Morris

*Rebecca S. Gospel*  
Rebecca S. Gospel

*Frances S. Burn*  
Frances S. Burn

*Thomas W. Burn, Jr.*  
Thomas W. Burn, Jr.  
*Ann C. Cannon*  
Ann C. Cannon  
*Ann B. Cannon*



CITY OF MILFORD

By: Joseph Rogers  
Joseph Rogers, Mayor  
Attest: [Signature]

STATE OF DELAWARE . . .  
COUNTY OF SUSSEX . . .

BE IT REMEMBERED, That on this 23rd day of January, 1993, personally came before me, the underscriber, a Notary Public for the State and County aforesaid, JOSEPH ROGERS, Mayor of the City of Milford, a municipal corporation existing under the laws of the State of Delaware, party to this Indenture known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the Mayor thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was fully authorized by a resolution of the Board of Directors of said municipal corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Rally S. Link  
Notary Public

RALLY S. LINK  
NOTARY PUBLIC - DELAWARE  
COMMISSION EXPIRES 02/26/93

BOOK 1895 PAGE 215

STATE OF Delaware  
COUNTY OF Sussex

BE IT REMEMBERED, that on this 22d day of January 1993, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, VIRGINIA S. KENNEDY, ROBERT J. KENNEDY, III, JANET E. KENNEDY, ELIZABETH MORRIS, formerly Elizabeth S. Ashley, REBECCA S. GOSPEL, FRANCES S. BURN, THOMAS W. BURN, JR., and ANN C. CANNON, parties to the foregoing Indenture, known to me personally to be such, and acknowledged said indenture to be their deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

*Sally S. Link*  
Notary Public

SALLY S. LINK  
NOTARY PUBLIC - DELAWARE  
COMMISSION EXPIRES 02/28/95



EXHIBIT A

ALL THAT certain piece, parcel and tract of land, lying and being situate in the City of Milford, Sussex County and the State of Delaware, comprising all of Parcel B, as shown on a survey prepared by Charles D. Murphy, Jr., Professional Land Surveyor, dated September 23, 1992, revised January 12, 1993, fronting on the westerly right-of-way line of South Walnut Street, adjoining Parcel A., Parcel C and lands now or formerly of Russell R. Kirby, of Medford Robert Lofland, Jr., of Marvin L. Stayton, of Robert C. Hollingsworth, of Robert J. Kennedy, III, of Lauretta Mae Webb, of Charles O. Gleason, of James A. Gleason, and Blanche L. Kirby, being more particularly described as follows, to wit: BEGINNING at a point on the westerly right-of-way line of South Walnut Street, being the southeasterly corner for Parcel A, being the southeasterly corner for lands of Elizabeth J. Morris and Mary Rebecca Goepel a/k/a Rebecca B. Goepel; thence proceeding with Parcel A and said Morris/Goepel Lands North 82 degrees 13 minutes 15 seconds West 891.16 feet; thence continuing with Parcel A South 60 degrees 14 minutes 31 seconds West 1,363.39 feet to a corner for Parcel A; thence running with Parcel A North 16 degrees 26 minutes 39 seconds West 412.13 feet to a point on line for lands of Russell R. Kirby, II and a corner for Parcel A; thence running with said Kirby lands South 60 degrees 05 minutes 49 seconds West 5.14 feet to a point on line for lands of Medford Robert Lofland, Jr.; thence running with said Lofland lands, lands of Marvin L. Stayton, of Robert C. Hollingsworth, of Robert J. Kennedy, III, of Lauretta Mae Webb, of Charles O. Gleason, of James A. Gleason, and of Blanche L. Kirby South 16 degrees 26 minutes 39 seconds East 1085.14 feet to a corner for Parcel C; thence running with Parcel C the following four (4) courses and distances: 1) North 89 degrees 43 minutes 10 seconds East 5.21 feet, 2) North 16 degrees 26 minutes 39 seconds West 665.38 feet, 3) North 60 degrees 14 minutes 31 seconds East 1362.36 feet, and 4) South 82 degrees 13 minutes 15 seconds East 887.76 feet to a point on the aforementioned westerly right-of-way line of South Walnut Street; thence finally, running with said right-of-way line North 07 degrees 46 minutes 45 seconds East 10.00 feet to the place of beginning, containing 27,956 Square Feet of land, more or less.

AGREEMENT

As a result of a series of informal meetings between the City of Milford officials and the grantors of the easement for the Simpson property, the following items were mutually agreed upon as a conditions precedent to the extension of the proposed municipal sewer main on and across the Simpson Farm:

- 1) The sanitary sewer main shall begin at or as nearly as possible to the existing S. Walnut Street pumping station.
- 2) The temporary easement for construction of the sanitary sewer main shall be limited to twenty (20) feet.
- 3) The permanent easement for the sanitary sewer main shall be limited to ten (10) feet.
- 4) The aforementioned permanent easement shall abut and parallel the southern property line of the land now owned by Elizabeth Morris and Mary Rebecca Goepel a/k/a Rebecca S. Goepel on S. Walnut Street.
- 5) The aforementioned easements shall be granted only and expressly for the purpose of a sanitary sewer line.
- 6) Construction within the aforementioned easements shall be undertaken at such time and in such manner as to minimize disruption to continued farming operations. Specifically:
  - a. Construction shall be scheduled after consultation with the lessee currently farming the land so as to complete the installation of the sewer line at a time that will not adversely affect farming operations.
  - b. Every reasonable effort shall be taken to ensure that top soil of the same quality and depth of cover be used to fill in the trench after installing the sewer line.
  - c. The sewer line and associated access points (i.e. man holes and man hole covers) shall be placed at a depth that will ensure that farming operations may continue unimpeded.
  - d. In the event construction of the sewer line adversely impacts farming operations so that the amount of rent paid to the owners is diminished, then the City of Milford shall reimburse the owners in direct proportion to their loss in rental income.

- 5) The construction of the sewer line on and across the Simpson farm will not result in a change in the farm's tax status as long as the land remains undeveloped. Only as portions of the property are developed will their tax status change (i.e. non-agricultural use).
- 6) The easement along the western side of the farm serving the property owners along Route 113 is to be shared by all property owners on a 50-50 basis.
- 7) In exchange for the easements on and across the Simpson farm, the City agrees to design and construct the sewer main such that it will be a "gravity" system of sufficient size and capacity which will accommodate any future residential development of the farm currently within the City's corporate limits without the need for the developer paying for the cost of any associated sewer pumping station.
- 8) If and when development occurs on the Simpson farm, the City will permit hook-ups to be made to the existing sewer main at existing cost (i.e. tap fees, impact fees, etc.)

[Signature]  
Witness

Virginia S. Kennedy  
Virginia S. Kennedy

[Signature]  
Witness

Frances S. Burn  
Frances S. Burn

[Signature]  
Witness

Robert J. Kennedy, III  
Robert J. Kennedy, III

[Signature]  
Witness

John E. Kennedy  
John E. Kennedy

[Signature]  
Witness

Thomas W. Burn, Jr.  
Thomas W. Burn, Jr.

[Signature]  
Witness

Ann Cannon  
Ann Cannon

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[Signature]  
Witness

Rebecca S. Goepel  
Rebecca S. Goepel

[Signature]  
Witness

Elizabeth Morris  
Elizabeth Morris

Sally D. Link  
Attest

[Signature]  
Michael T. Booker, City Manager

Dated: 1/23/93

PURCHASERS REPORT  
MADE THIS DATE

FEB 02 1993

ASSESSMENT DIVISION  
OF SUSSEX COUNTY

CALLA D. GREEN  
DOC. SURCHARGE PAID

92 FEB -1 PM 4:00

RECORDER OF DEEDS  
SUSSEX COUNTY

*Fugua, Yori & Rogers, Attorneys*  
2/10/93



**TO:** Mayor and City Council

**FROM:** Rob Pierce, Planning & Economic Development Director

**DATE:** August 26, 2019

**RE:** Proposed Business Licensing Program

At the April 22, 2019 Police Committee Meeting, the committee directed staff to review the previously proposed business license ordinance and prepare an updated version for City Council consideration. As a result, a draft code amendment was presented to the Community & Economic Development Committee on July 8, 2019 where it was determined that staff should proceed with finalizing the proposed language and evaluate the cost to administer the licensing program.

Staff gathered information regarding business licensing programs for the top 20 most populated municipalities in the State. Below is a table showing which municipalities have business licensing programs along with their minimum and maximum annual licensing fee.

Top 20 Most Populated Municipalities in Delaware			
Rank	Municipality	Min. Fee	Max. Fee
1	Wilmington	\$ 120.00	\$ 1,807.00
2	Dover	\$ 50.00	\$ 313.00
3	Newark	\$ 100.00	\$ 3,950.00
4	Middletown	\$ 125.00	\$ 250.00
5	Smyrna	\$ 50.00	
6	Milford	none	
7	Seaford	none	
8	Georgetown	\$ 78.00	\$ 270.00
9	Elsmere	\$ 150.00	
10	New Castle	\$ 40.00	\$ 300.00
11	Millsboro	\$ 20.00	
12	Laurel	\$ 125.00	
13	Harrington	\$ 50.00	\$ 500.00
14	Camden	\$ 100.00	\$ 350.00
15	Clayton	\$ 50.00	
16	Lewes	\$ 75.00	\$ 440.00
17	Milton	\$ 100.00	\$ 250.00
18	Townsend	\$ 125.00	
19	Selbyville	\$ 50.00	
20	Bridgeville	\$ 100.00	
	Average Minimum	\$ 83.78	

Based on the information collected, the lowest fee that is being charged was \$20.00 by the Town of Millsboro and the highest was \$150 by the Town of Elsmere. The average minimum fee charged is approximately \$83.00.

Assuming there are 500 businesses in the City, staff estimates an annual cost of \$15,000 to administer the program. This is broken down by \$1,000 for software, \$1,000 for materials (notices, licenses, postage), \$5,000 for administrative (renewal notices, processing licenses) and \$8,000 for monitoring (auditing, site visits, late notices). Based on this information, the license fee would need to be established at a minimum of \$30 per year to cover expenses.

It should be noted that the City currently requires Contractors and Transient Merchants working within City limits to register annually with the Planning Department. The annual license fee for a Contractor is \$100.00 and the annual license fee for a Transient Merchant is \$50.00.

Staff is seeking guidance from City Council on the proposed annual registration fee in order to finalize the ordinance language and prepare an updated Department fee schedule.

Implementation of the program would begin January 1, 2020 for any new businesses. Existing businesses would get notifications in January 2020 requiring registration by June 30, 2020. Both new and existing licenses would be valid until December 31<sup>st</sup> 2020.

# City of Milford



## RESOLUTION 2019-12

Annexation/Lands belonging to Baltimore Aircoil Company, Incorporated  
1162 Holly Hill Road, Milford, DE 19963  
Tax Map MD-00-182.00-01-14.00-000  
49.25 +/- Acres  
Current Zone II/Proposed Zone I-2

### COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that certain lot, piece or parcel of land, situated in the Milford Hundred, Kent County, State of Delaware, lying on the southerly side of Holly Hill Road, being bounded on the north by said Holly Hill Road, on the east by lands now or formerly of Crop Production Services, on the south by lands now or formerly Delaware Railroad Real Estate Agent and on the west by lands now or formerly of R & C Fry Farms LP and as shown on a plan entitled "Annexation Plan - Lands of Baltimore Aircoil Company, Inc." as prepared by Becker Morgan Group, Inc., dated February 12, 2018 and being more particularly described as follows to wit:

All that certain lot, piece or parcel of land, situated in the Milford Hundred, Kent County, State of Delaware, lying on the southerly side of Holly Hill Road, being bounded on the north by said Holly Hill Road, on the east by lands now or formerly of Crop Production Services, on the south by lands now or formerly Delaware Railroad Real Estate Agent and on the west by lands now or formerly of R & C Fry Farms LP and as shown on a plan entitled "Annexation Plan - Lands of Baltimore Aircoil Company, Inc." as prepared by Becker Morgan Group, Inc., dated February 12, 2018 and being more particularly described as follows to wit:

Beginning at a set iron rod with cap at a corner for the southerly right of way of Holly Hill Road and this property, said point being South 84°50'14" West 1179.37 feet as measured from the intersection of centerline of a ditch and the southerly right of way line of Holly Hill Road; thence leaving said point of beginning and running in part with Holly Hill Road right of way, lands of Crop Production Services, Inc. and lands of Delaware Railroad Real Estate Agent 1) South 05°33'56" East 1794.82 feet to a found concrete monument at a corner for this parcel and lands of Delaware Railroad Real Estate Agent; thence running with the northerly right of way of a railroad, lands of Delaware Railroad Real Estate Agent 2) South 87°03'19" West 901.13 feet to a point at the intersection of the centerline of Ludnam Branch and the northerly right of way of railroad, thence running by and with the centerline of Ludnam Branch and lands of R & C Fry Farms LP the following fifty one courses and distances:

3) North 06°45'46" West 78.53 feet; thence 4) North 21°43'49" West 76.42 feet; thence 5) North 32°09'39" West 128.58 feet; thence 6) North 78°17'45" West 37.14 feet; thence 7) South 68°06'32" West 26.11 feet; thence 8) North 66°22'48" West 23.24 feet; thence 9) North 34°55'59" West 11.56 feet; thence 10) North 78°12'49" West 10.31 feet; thence 11) North 50°01'04" West 12.45 feet; thence 12) North 10°04'15" West 14.21 feet; thence 13) North

78°42'40" West 43.16 feet; thence 14) South 74°46'37" West 47.89 feet; thence 15) North 36°28'42" West 22.28 feet; thence 16) North 77°51'17" West 9.36 feet; thence 17) South 55°33'29" West 35.98 feet; thence 18) North 82°03'35" West 15.89 feet; thence 19) North 61°40'39" West 18.26 feet; thence 20) South 80°33'17" West 12.51 feet; thence 21) North 45°30'31" West 10.86 feet; thence 22) North 03°24'47" East 12.49 feet; thence 23) North 26°34'45" West 15.29 feet; thence 24) North 73°07'32" West 12.01 feet; thence 25) South 72°10'42" West 12.32 feet; thence 26) North 62°21'41" West 24.20 feet; thence 27) North 29°28'45" East 25.11 feet; thence 28) North 40°26'54" West 16.55 feet; thence 29) North 27°59'18" West 11.04 feet; thence 30) North 03°42'11" West 14.75 feet; thence 31) North 59°40'16" West 10.03 feet; thence 32) North 88°18'36" West 13.89 feet; thence 33) North 62°46'45" West 15.18 feet; thence 34) South 81°50'06" West 20.75 feet; thence 35) North 54°24'29" West 15.51 feet; thence 36) South 76°51'26" West 13.13 feet; thence 37) North 66°25'07" West 13.71 feet; thence 38) North 87°30'28" West 10.26 feet; thence 39) North 69°01'09" West 41.09 feet; thence 40) North 22°10'06" East 12.99 feet; thence 41) North 11°30'44" West 40.88 feet; thence 42) North 44°46'42" West 40.57 feet; thence 43) North 77°21'51" West 24.59 feet; thence 44) North 29°29'46" East 26.54 feet; thence 45) North 75°44'13" West 36.96 feet; thence 46) North 05°37'15" East 28.39 feet; thence 47) North 55°01'12" West 33.19 feet; thence 48) North 22°48'04" East 11.59 feet; thence 49) North 23°36'25" West 7.85 feet; thence 50) South 87°13'13" West 15.76 feet; thence 51) North 49°19'05" West 29.82 feet; thence 52) North 40°14'52" West 47.03 feet; thence 53) North 25°06'01" East 5.56 feet to a point in the centerline of Ludnem Branch and at a corner of this parcel and the lands of R & C Fry Farms LP, said courses and distances having a tie line with a bearing and distance of North 48°31'06" West 1035.23 feet; thence departing the centerline of Ludnem Branch and continuing with the lands of R & C Fry Farms LP the following two courses and distances 54) North 85°01'06" East, passing over a found concrete monument at 5.42 feet and continuing a total distance of 405.34 feet to a found concrete monument; thence 55) North 05°33'56" West 1000.05 feet to a found concrete monument at the corner of this parcel and in line with the southerly right of way of Holly Hill Road; thence with said Holly Hill Road right of way 56) North 84°26'04" East 1200.27 feet to the point and place of beginning, and

CONTAINING 49.25 +/- acres of land, more or less has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing the legally described property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Daniel Marabello, Todd Culotta and Douglas Morrow, along with Planning Commission Chairman Marvin Sharp.

Be it Further Resolved, that said Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore, as well as a recommended zoning district for the property to be annexed.

APPROVED: \_\_\_\_\_  
Mayor Arthur J. Campbell

ATTEST: \_\_\_\_\_  
City Clerk Teresa K. Hudson

Adopted: August 26, 2019