

City of Milford



CITY COUNCIL AGENDA

Monday, October 14, 2019

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

6:30 P.M.

WORKSHOP

Lights-On: Milford Strong/Project Completion Report

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Proclamation 2019-16/Dysautonomia Awareness Month

Proclamation 2019-19/National Customer Service Appreciation Week

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Update/Council Retreat Goals

Communication & Correspondence

Unfinished Business

Adoption/Ordinance 2019-35/New Chapter 90/Business License ®

Adoption/Resolution 2019-15/Planning & Economic Development Department Fee Schedule/Adds

Business License Fee ®

Authorization/Utility Box Painting Project

Authorization/Amended DBF Contract/Engineering Services/Shawnee Acres Pump Station Replacement Project

Bid Award/SE Second Street Utility, Curb & Sidewalk Improvements Project

Approval/Sidewalk Project/Low Income Assistance & Standards

New Business

Resolution 2019-16/Halloween Trick or Treat ®

Introduction/Ordinance 2019-36/Change of Zone/Lands belonging to BSG III, LLC

Introduction/Ordinance 2019-37 Change of Zone of Annexed Land Belonging to

Baltimore Aircoil Company, Incorporated

Additional Funding Appropriation/Demolition Project/112 SE Front Street

Approval/Budget Adjustment/Information Technology Server Room Air Conditioner Replacement

Bid Award & Funding Appropriation/Vehicle Lifts Purchase/Operations Division

Bid Award/Forklift Purchase/Operations Division

Update/Resident Survey & Strategic Plan

EXECUTIVE SESSION

Motion to Recess into Executive Session

Legal-

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

Property Sale/Lease-

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property;

Personnel-

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

Return to Open Session

Employee/Collective Bargaining

Pending Litigation/Employee/Update

Pending Litigation/Case Filed

Property Sale

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.

083019 090319 090619 090919 091119 091819 092319 092719 100119 100319 100719 101419 Item Removed



Lights-On Milford Strong Post-Launch Briefing

Milford City Council Workshop

October 14, 2019



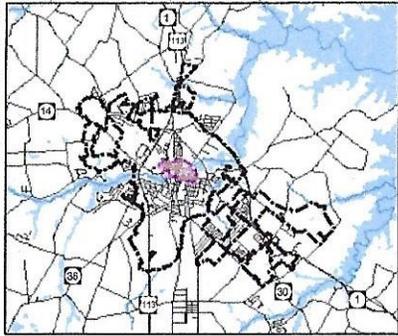
Milestone Schedule:

No.	Milestone Activity	Target Date	Status
1	MOU Agreement Executed – START	March 15, 2019	Closed
2	Pre-Launch Plan of Actions & Milestones	March 16 – May 10, 2019	Closed
3	Launch Lights-On Campaign	May 13- September 30, 2019	Closed
4	Final Invoice, Status Report & Burn Rate Report	September 10, 2019	Open
5	Milford River Walk Event (Block Party Event)	September 14, 2019	Closed
6	Post Launch Briefing to Milford City Council	October 14 @ 6:30PM	Open

Scope of Work

1. Lights-On Brand Awareness & Recognition
2. Installations of Energy Efficiency Lighting Measures
 - LED Dusk to Dawn Front Porch Light
 - Solar Motion Flood Light in Backyard
 - Single Family, Multifamily & Vacant Properties
3. Client Pledge & Milford Lady Bug Sticker
4. Outreach & Community Awareness (Bridge Building)
5. Energy Educational Workshops
6. Statistical Tracking & Reporting of Criminal Activity

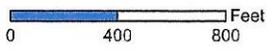




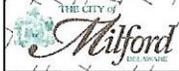
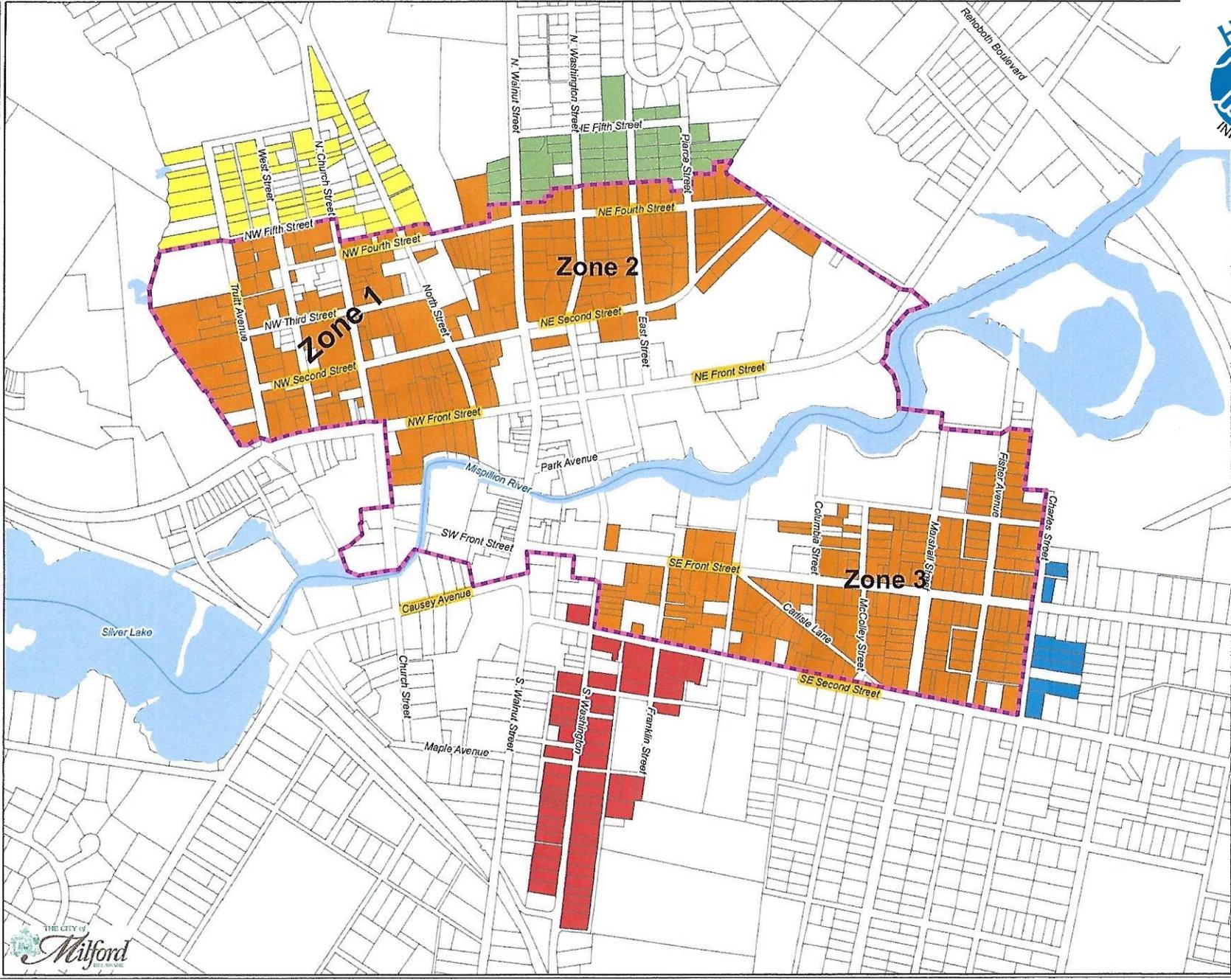
City of Milford Lights-On Milford Strong Program Area



-  Downtown Development District Boundary
- Residential Units**
-  Phase 1 - 412
-  Phase 2A - 60
-  Phase 2B - 36
-  Phase 2C - 8
-  Phase 2D - 69



Date: 3/6/2019 User Name: RPierce
LightsOnMilfordStrong





Performance Benchmarks: Energy Efficiency

Category	No. of Homes	Energy Savings (WATTS)	Energy Savings per Home (WATTS)	Meter Usage > 20K kWh / Year	Client Interest in HEC2
Single Family Installs	343	22,130	64.52	93	101
Multifamily Installs	125	5,138	41.10	n/a	36
Vacant Properties	10	n/a	n/a	n/a	n/a
Totals	478	27,268	57.04	93	137

Educational Workshops

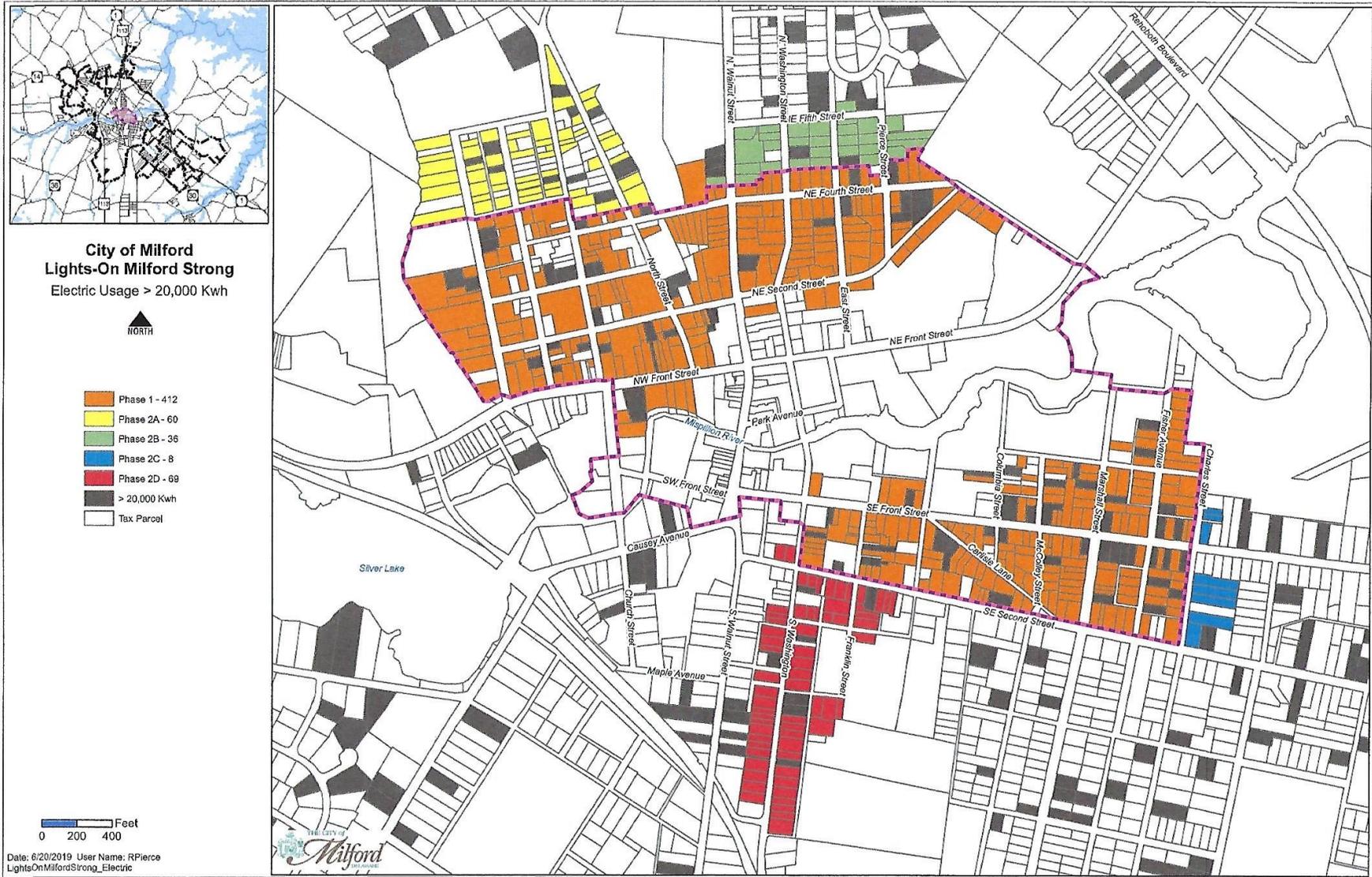
- Workshop Topics:
 - Energy Conservation Basics (i.e. Light bulbs, appliances, weatherization, heating & cooling)
 - Energy Efficiency Measures (air sealing, caulking, lighting, window treatments, appliances, cold water washing)
 - Understanding Utility Bills
 - Behavioral Change to reduce energy consumption
- Total Workshop Participants – 31
- Stakeholders – Energize Delaware Home Energy Checkup (HEC2), Milford Police Department, Milford Code Enforcement & Public Works, Faith Community
- Locations – Mt. Enon Baptist Church

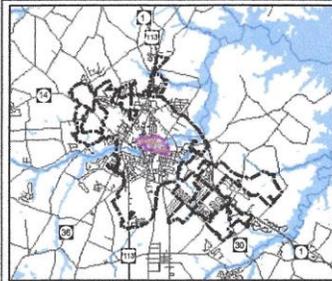




Stackable Programs

- Lights On – Energy Efficiency & Public Safety Bridge Building (Outside)
- Energize On (HEC2) – Interview, Assess & Installation of Measures with Recommendations & Referrals
- Health On – Healthy Home Assessments to Identify, Report, Recommend and Refer the severity and likelihood of 29 HUD Hazards in the home
 - HUD Lead Hazard Reduction Grant Award to New Castle County (9-30-19)

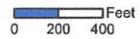




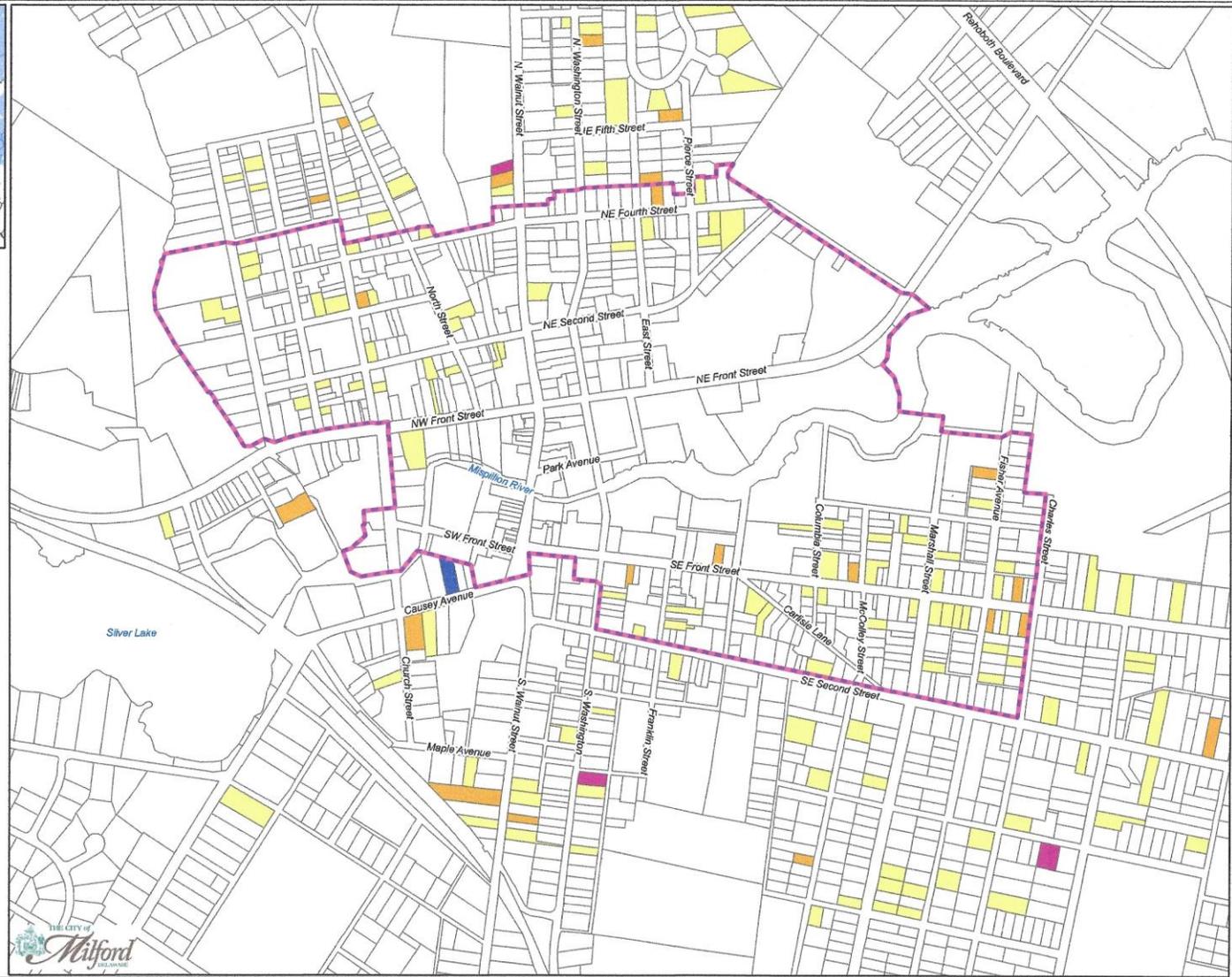
**City of Milford
Lights-On Milford Strong
Electric Usage > 20,000 Kwh**



- Tax Parcels
- Electric Usage**
- 20000 - 30000 Kwh
- 30001 - 40000 Kwh
- 40001 - 50000 Kwh
- 50001 - 60000 Kwh



Date: 8/8/2019 User Name: RPierce
LightsOnMilfordStrong_Electric



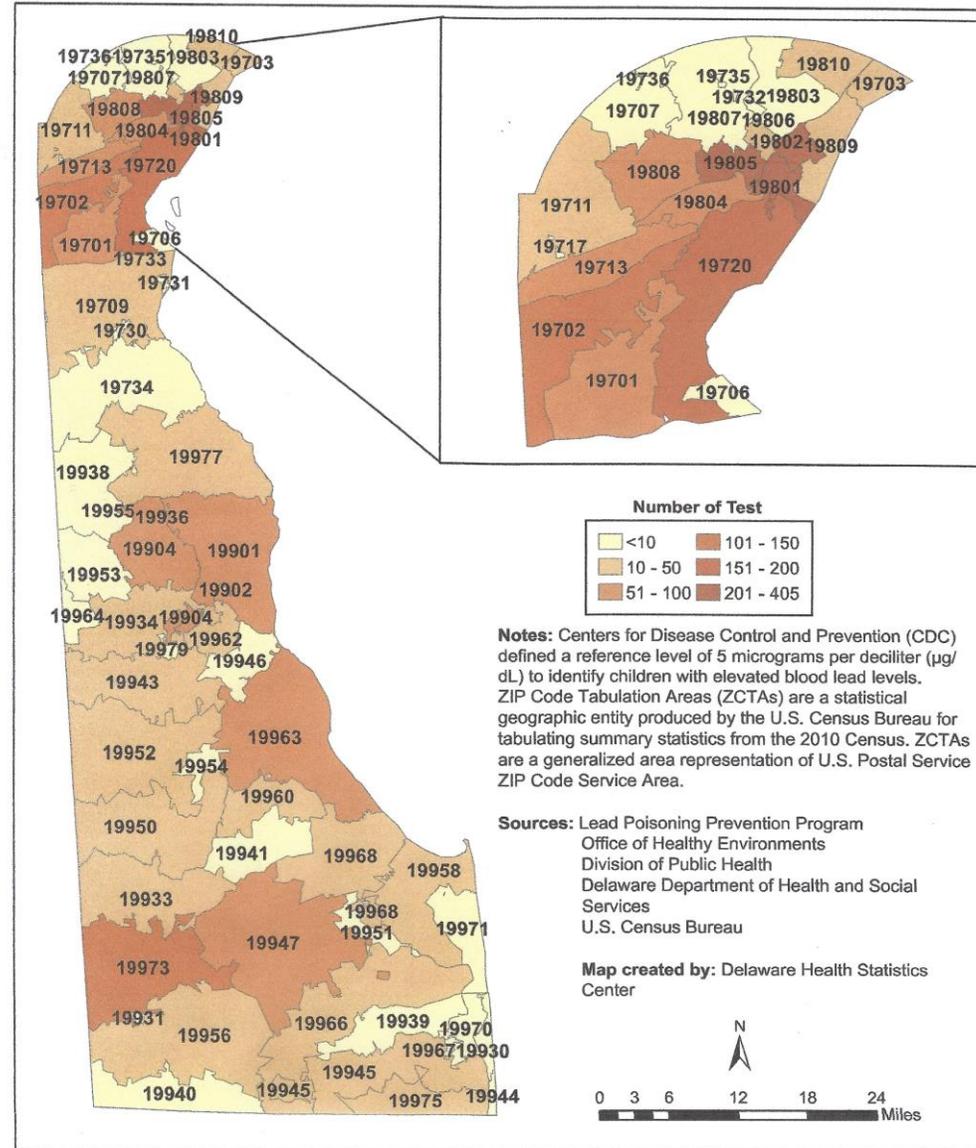


Call Type
DOMESTIC
ASSIST OTHER AGENCY
ASSIST OTHER AGENCY
ASSIST OTHER AGENCY
PUBLIC ASSIST
PUBLIC ASSIST
DISORDERLY CONDUCT
MVC
PUBLIC ASSIST
FOUND PROPERTY
TRAFFIC RELATED
ASSIST OTHER AGENCY
SUSP. PERSON/VEH
DOMESTIC
CHECK THE WELFARE
DISORDERLY CONDUCT
CHECK THE WELFARE
ANIMAL COMPLAINT
ANIMAL COMPLAINT
BURGLARY
PUBLIC ASSIST
PUBLIC ASSIST
CHECK THE WELFARE
DOMESTIC
DOMESTIC
PUBLIC ASSIST
PUBLIC ASSIST
MENTAL PATIENT
BURGLARY
THEFT
TRAFFIC RELATED

Lights on Milford Strong zone 1 and 2 map



Number of Test Results with Elevated Blood Lead Level of Children Under Six Years Old by ZCTA*, Delaware 2010-2017





- Lead Poisoning Prevention Program
- Healthy Homes Program
- Occupational Health Program
- Radon Awareness Program



ZIP Codes with the Highest Number of Children with Elevated Blood Lead Levels (2010-2017)

City	Zip Code	8 Year Total
Wilmington	19805	405
Wilmington	19802	310
Wilmington	19801	205
New Castle	19720	166
Newark	19702	140
Seaford	19973	111
Newark	19713	97
Georgetown	19947	71
Milford	19963	62
Wilmington	19804	60
Bear	19701	58
Dover	19904	57
Dover	19901	56
Wilmington	19808	52
Laurel	19956	49
Claymont	19703	48
Wilmington	19809	46
Newark	19711	43
Middletown	19709	35
Wilmington	19806	33
Smyrna	19977	28
Bridgeville	19933	27
Wilmington	19810	26
Felton	19943	24
Millsboro	19966	24
Camden-Wyoming	19934	23
Magnolia	19962	20
Greenwood	19950	19
Harrington	19952	18
Lincoln	19960	18
Frankford	19945	15
Lewes	19958	15
Selbyville	19975	13
Milton	19968	10

Some children in Delaware are being exposed to lead due to aging housing, pockets of high poverty areas, and a legacy of industrial pollution.

The chart at the left is organized by ZIP code and shows the number of Delaware children ages 72 months and younger who exhibited high lead levels in blood tests for the years 2010 to 2017.

Due to the presence of lead-based paint hazards in homes built before 1978 and the poor condition of some painted surfaces, there are potential health hazards to people living in older homes. This is particularly true for young children. Children who breathe in or ingest dust particles that have been contaminated with lead can have reduced IQs, learning disabilities, behavior problems, anemia, kidney damage, and damage to the central nervous system. Many of these injuries are permanent.

A blood test can identify a child exposed to lead, allowing doctors, health agencies and families to find the source and prevent further harm. In 2012, the Centers for Disease Control (CDC) defined a reference level of 5 micrograms per deciliter (µg/dL) to identify children with elevated blood lead levels. These children are exposed to lead at greater levels than other children.

ZIP codes with less than 10 children with high lead levels are not included in this dataset because small numbers are a concern in public health assessment. The Delaware Department of Public Health follows the CDC guidelines for suppressing counts less than 10 to avoid the risk of identification. Data can be linked up with other name sources or other databases which can lead to identification of an individual. Another concern with presenting small numbers in a dataset is the stability of statistical measures.

Data source: Lead Poisoning Prevention Program, Division of Public Health, Delaware Department of Health & Social Services

March 2019



Milford Lessons Learned:

- Develop a working relationship with the City/Town GIS Mapping Experts
- Close collaboration with the Police Department Community Outreach Officer and the Crime Statistics Subject Matter Expert
- Partnership with the City/Town Customer Service Representatives to identify vulnerable community residents in need of energy conservation education and disconnection avoidance. Build trust by building bridges of hope and change for improved quality of life.



Points of Contact – Lights On Milford Strong Campaign

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HELP Initiative Inc.

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ckistler@helpinitiative.org

Harold Stafford

HELP Initiative, Inc.

302-359-7289

hstaff@comcast.net

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 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, September 9, 2019.

PRESIDING: Chairperson Mike Boyle

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members: Todd Culotta

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

ABSENT: Committee Members Owen Brooks Jr. & Katrina Wilson

CALL TO ORDER

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

Planning Director Rob Pierce was also present.

UNFINISHED BUSINESS

Utility Box Painting Proposal

City Manager Norenberg reported at the last Committee meeting, the painted pilot project box, located on the corner of Southwest Front Street and Walnut Street was discussed. Downtown Milford Inc. (DMI) indicated they would initiate a project including fundraising and associated policies and procedures.

The Urban Art-Electrical Utility Box Project document states as follows:

This agreement establishes responsibilities and authority of the Electrical Utility Box Art Project

Downtown Milford Inc. will:

Seek funding through grants, sponsors and donation (\$1K per artist needed) Establish number of separate artists per year (no more than 3 per year)

Ensure that box is graffiti proofed after completion, restore the art in the event of any damage or vandalism, including cleaning/removing any graffiti OR restore the box(es) to the original condition if restoration/ cleaning is not possible.

Supervise the painting to ensure artists do not paint over hinges, keyholes or protective keyhole coverings, or in any way affect the ease of operation of handles and doors. Create Press Release- possible unveiling ceremony

The City of Milford will:

Determine acceptable electrical boxes through Public Works

Be a part of the artist selection process Approve final products

Attend unveiling ceremonies

This agreement establishes responsibilities and authority of the Electrical Utility Box Art Project

Downtown Milford Inc. will

**Seek funding through grants, sponsors and donation (\$1K per artist needed)*

- *Establish number of separate artists per year (no more than 3 per year)*
- *Publicly announce "Call to Artist" with Press Release (once a year)*
- *Distribute packages to artists*
- *Field applications and select artists*
- *Assign pre-approved electrical boxes to artists*
- *Monitor progress and ensure art meets sketch design*
- *Ensure that box is graffiti proofed after completion, restore the art in the event of any damage or vandalism, including cleaning/removing any graffiti OR restore the box(es) to the original condition if restoration/ cleaning is not possible.*
- *Supervise the painting to ensure artists do not paint over hinges, keyholes or protective keyhole coverings, or in any way affect the ease of operation of handles and doors.*
- *Create Press Release- possible unveiling ceremony*

The City of Milford will

- *Determine acceptable electrical boxes through Public Works*
- *Be a part of the artist selection process*
- *Approve final products*
- *Attend unveiling ceremonies*

Beginning with 4 or 5, a map was presented showing 12 to 13 locations where potential utility boxes have been identified. During a previous meeting, guidelines were established and suggested materials are included in the Committee packet.

It was also noted that the City's Electric Superintendent suggested doing a pilot test on one box by painting it with a base coat and sealant, as proposed. After a couple weeks, it would be stripped and restored to its original condition, to ensure they can be repainted, as needed in the future.

Councilman Culotta prefers waiting five years to strip them versus one pilot test. He asked if all utility boxes are within DMI's purview; Mr. Norenberg commented they are not necessarily in DMI's purview but are all City-controlled boxes in the Greater Downtown area.

Chairman Boyle confirmed there will be two boxes, on average, painted per year. DMI will make the determination when repainting or touch up is required.

Acting DMI Director, Joey Phillips, was present to represent the DMI Design Committee.

Chairman Boyle also verified that no permit would be required. Mr. Norenberg added that jointly, they would select boxes from the list. However, DMI is taking the lead on the majority of the project.

Councilman Culotta suggested that the store owners be able to comment on a box being put in front of their business to prevent colors from clashing, etc. Chairman Boyle feels that would be at the discretion of the artist though he does not expect it to be objectionable.

Councilmember Peel recalled prohibiting anything offensive or distasteful.

Chairman Boyle recommended removing the social security information from the application; Mr. Phillips agreed.

The Chairman referenced the artist requirement that the painting cannot include offensive, pornographic, religious, symbolic or hateful images or language and suggested adding the word 'political'.

He also suggested opening this up to the High School Art Class under the guidance and direction of their teacher. The Committee agreed that would be a nice collaborative project.

Councilmember Peel liked the idea there was some non-regulatory guidance provided, which simplifies the process for the artist.

Mr. Phillips noted the one corner of Front Street and Walnut contains five boxes. Instead of painting only one, which he feels would look odd, he has requested Parks and Recreation put up a new fence around the corner and repaint the signs and maybe add a bench.

Mr. Norenberg explained that procedurally, the agreement will require full Council approval and will be placed on a future agenda. He asked Mr. Phillips to communicate to his board the City is moving ahead within the next couple months.

Economic Development Updates

The City Manager reported that the July agenda included an item to discuss how City Staff would be communicating economic development updates to the committee.

Chairman Boyle said he had a long discussion with the City Planner about when the critical factor comes together which confirms someone has a valid interest. He explained that at some point, someone seriously interested will always ask for a meeting with the City Manager, Mayor and the City Planner. He asked if it would be possible to include someone from the Economic Development Committee in that process. That would provide a way for this Committee to reach out on the people's side. If someone is bringing a business here, he feels members of this Committee are able to provide inside information on the City, like what it is like to live here and other information.

This would let the mechanics of the ordinances and guidelines fall within the purview of the Planning Department and City Manager's Office.

Chairman Boyle believes that would provide a way to have the Committee informed and become involved early in the process, if the person is serious. This may also be a way to relieve a lot of anxiety they may have.

Councilman Culotta feels it will also take a load off of the City Planner and City Manager to some extent.

Chairman Boyle feels that when a person pulls a permit, they are committed. Councilman Culotta prefers being involved prior to that stage. For example, a business that wants to expand their operations should be aware they will need plans drawn, which will become part of their development file, along with the permit application, that answers all the requirements for power, sewer, water, etc.

Though it is really the City Planner's job to inform them of those of those needs, it takes up a lot of Mr. Pierce's time, according to Councilman Culotta. However, someone with building experience would already know that. That is the reason he feels it would be beneficial for the Committee to know before that stage. In that manner, the Committee can reach out to them and advise them what needs to be considered and ask what they want to do, etc. He described it as a pre-meeting to the official meeting with City staff.

Mr. Pierce referenced the two-page process that he has added information on the City website to help anyone trying to start or relocate a business to Milford. He defined it as a short-form of the resources needed. If it is a small project that City staff is able to assist, and an architect or engineer is not needed, they will try their best to walk them through that process. However, he does not want to replace those private firms that guide potential developers with the process.

Councilman Culotta recalled a situation when the person called him complaining about the stack of papers he had to fill out. When he looked at it, it was very standard information required for all permits.

The one concern Mr. Pierce has with the information being disseminated to the Committee, is a lot of people come in that have 'some' interest. After he provides the information, many people never come back. It is not because of something his staff did, but the result of the deal falling apart, or the money wasn't available, etc. He also has people come in and talk with them confidentially about some potential plan, because they may not want their competition or the public to be aware. Many are in their due diligence period at that point and are still trying to figure things out.

Mr. Piece explained that generally, it becomes public knowledge once a formal application is submitted. He then provides the information to anyone requesting it. At the same time, it will be on an agenda for action.

The City Manager added that last week, he showed Mayor Campbell the list of projects being worked by the Delaware Prosperity Partnership (DPP) over the past few months to a year. There were several pages, and each was represented by a code and never an actual name, for the reasons Mr. Pierce explained. There are more times than not, a need for confidentiality and the City tries to honor that as much as possible, particularly if it is in the very early stages and are only asking generic questions.

According to the DPP, they experience the same thing. Many people don't come back though they always try to follow up to find out what has changed their mind. Often, they have found another area that is more suitable for one reason or another.

Councilman Culotta agrees that sometimes the person decides it may not be a feasible business idea or someone else has a better idea. However, he still feels it would benefit having a person of City leadership or politics reach out and ask how can we help you. He feels there needs to be a way of adding that before it comes to an official meeting with City staff.

Councilmember Peel feels that having a Committee representative there at the first meeting would be helpful prior to doing anything formal.

Since Mr. Pierce has been here, the Mayor (Shupe initially), the City Manager and he would meet with these potential business owners. He agrees that a lot of time, that person/developer prefers to hear from the Mayor while still considering a potential project. Councilman Culotta said then perhaps it should be the Mayor.

The Committee then discussed various businesses who had previously requested confidentiality with their plans. Mr. Pierce also provided follow-ups scenarios that occurred as they proceeded.

The Committee agreed there should one other Committee member present during these meetings, in addition to the Mayor.

Chairman Boyle said that will also satisfy Councilman Culotta's desire to be made aware of any potential businesses.

Mr. Pierce emphasized that the information provided at that initial meeting, is often requested to be kept confidential. Even if a Non-Disclosure Agreement is not signed, from his experience and best practices, it is in the City's best interest not to divulge that information as a sign of respect and trust. And that is typical throughout the economic development community.

NEW BUSINESS

Kent Economic Partnership Update/Chairman Boyle

Chairman Boyle announced that he attended his second KEP meeting. He reported there is a lot of activity but predominantly focused between Smyrna and DE Turf.

He pointed out there is very little movement downstate. When they refer to Milford, it seems to be about healthcare. Chairman Boyle stressed that Milford has a lot more to offer.

It was confirmed the City has given KEP \$60,000 and has not reaped any benefit. Councilman Culotta agreed adding the City needs to stop giving them money.

Chairman Boyle said that the fact is no one has received anything yet. One of the problems is they are only a year into the business and still learning. When they began to contact different agencies that research areas for businesses

Executive Director Linda Parkowski found out that no one had ever looked at Central Delaware. The first year was spent trying to sell the location and they are still in the process of doing that, while looking at other opportunities.

The Chairman reported they are considering building an air freight terminal through a joint agreement with Dover Air Base. The preliminary comments from their consulting firm were that the only advantage was two very long runways. In other words, there is nothing else out there.

In some respect, Chairman Boyle said they are still in the initial stages of developing interest in the area though they are primarily focusing on Dover, and a little north and a little south. Getting to Milford appears to be a problem.

Councilman Culotta reported that the Town of Millsboro has hired a consulting firm to go out and find businesses that would be looking for a market in their area. He asked if it would make better sense to take those dollars and redirect them to a private firm that can work just for Milford.

Chairman Boyle said he does not know what results a consulting firm would get beyond what KEP is doing. Councilman Culotta said they would at least focus on Milford solely.

A discussion followed about possibly hiring a part-time person, who is familiar with Milford and has experience and background in this area.

When asked what we are trying to accomplish in terms of attraction, Mr. Norenberg feels that what has been done, along with the current and past mayors, is to retain and expand current Milford businesses. He and Mr. Piece do retention visits and ask how they can help. One example is a large industry who identified shipping restrictions as a problem. In turn, Mr. Norenberg went to the Delaware Prosperity Partnership and Kent Economic Partnership, and they agreed it needed to be solved. Since then, they have been working collectively with DelDOT to get the weight limits raised.

Mr. Norenberg had an update earlier today that DelDOT has brought on IPA to study the weight limits and restrictions in Delaware that have not been updated for many years in comparison to surrounding states. He hopes those limits will be updated, but thinks it will be closer to the end of the year before they receive their data.

Two years or so ago, Mr. Norenberg, along with Chamber of Commerce, looked at the Buxton firm that Millsboro contracted with, but their focus was more on retail and restaurants at a price of approximately \$50,000 for three years. They seem to focus on national chains and actually started years ago working for Target and Chick-Fil-A to harness the data about consumers. They would then provide the information to those retailers and recommend areas to build their next restaurant, for example. Five or six years ago, they began to offer that service to municipalities and counties who need to fill vacant commercial spaces.

He pointed out that if the City is more interested in attracting larger employers, that is the goal of KEP.

Councilman Culotta said he is making the point that they need to be more focused on a City of this size. That is why he prefers to take the money from Kent County and put it toward a firm to work for the City. Mr. Norenberg said assuming that the goal is to attract national chain and restaurants. He recalled that for the downtown area, they wanted to remain unique and did not want chain restaurants taking over that area. However, the Silicato developers might be interested in bringing those type businesses to their site.

Councilman Culotta agrees it is up to those developers to help develop their own properties. But if a firm is hired who does a study on Milford, that data is then bought by a Roadhouse or other chain. You then go to their website that says if you want to be an investor, these markets are available. Milford would then be put in that rotation because of the study. He agrees national chains should not be downtown, but does not think Milford's downtown is busy enough to say they want one thing or another. Instead, downtown needs to attract as much as possible when it is available.

He also feels that Milford's downtown could also benefit from any growth in the area.

Councilman Culotta said Milford is growing south and if we are unable to get KEP to come south of DE Turf, that money is not being spent effectively.

Councilmember Peel prefers to hire someone for that price. She recalled a time when we had an Economic Developer; Councilman Culotta said that is a good example, but there are other people that do that and more.

Councilmember Peel pointed out there are varied opinions about drawing more traffic and consumers to box stores or chains. She is unsure everyone wants that type of growth.

The Councilwoman recalled that during the Community conversations, there seemed to be a divide as to what they did not want. She thought it was pretty even based on what people said. The same people may say they want big chain stores, but when they consider the traffic associated with it, they change their mind.

Councilmember Peel recalled that contingency in the contract and Council talked about re-evaluating whether or not KEP is a worthwhile partnership.

Mr. Norenberg said it is a year-to-year agreement though the current agreement started in October-November of last year. The City has only appropriated the second \$30,000 of the three years. A renewal contract would need to be added to an upcoming agenda if the City renewed. If not, all these options can be considered. However, he recommends we provide their Executive Director an opportunity to make a pitch at an upcoming Council meeting in November.

He is also willing to contact Buxton and have a representative address the Committee.

In terms of the transportation network, Chairman Boyle pointed out Milford is at a disadvantage because of its location. However, he would be pleased with a small business start-up with the potential to grow.

Mr. Norenberg recommends having the Buxton representative realistically talk about what Milford could potentially get or not. He would also invite the Chamber of Commerce, who has been discussing this from time to time, and had this concept a little over a year ago. The undeveloped property that could be developed did not get a lot of support from those owners. Instead, they wanted to use their own consultants and realtors who had different ideas.

Councilmember Culotta feels it is up to them to develop their own land and that it costs a lot of money to have it shovel ready. He said the company that Millsboro is using is called the Retail Coach who was hired for \$35,000 a year and they are very happy with their work.

Mr. Norenberg said that Buxton and the Retail Coach are the two main companies that do this type of work.

It was agreed to have KEP's Executive Director here the first meeting in October and have these other two companies the second meeting.

Mr. Pierce also explained that when the City was getting ready to finalize the contract last year, the County was getting ready to finalize their comprehensive plan which added the master plans in Little Heaven and South Frederica. Those plans would create a lot of job potential commercial growth in those two rural areas. The county is willing to develop commercially but not within a municipality.

He also noted the State Planning Office did a study on the surplus of commercial land and vacant commercial space between Milford and Smyrna and found it was saturated with available sites.

Councilmember Peel feels we really need to consider what is enough, noting that Milford businesses do benefit from DE Turf.

Mr. Norenberg reported that Milford is receiving one to three leads a week from DPP. When they review some of the request, they find many want I-95 access. Every now and then he finds one they can respond to and follows up on it.

He feels they are doing more marketing statewide and targeting certain areas such as biotech, stem areas, etc. As a result, he feels they are a few steps ahead of KEP at this point, in terms of trying to market the county.

The City Manager sent Council an email discussing the workshop in a couple weeks for small and medium size businesses that fits the criteria making them eligible for the EDGE Grant. The State Division of Small Business will be making an announcement with the Governor for the first round of grantees.

He is bringing in representatives from the State to meet with people locally to help them have a better shot at applying for this grant.

The Chamber of Commerce and Downtown Milford will co-sponsor and help promote this.

ADJOURNMENT

There being no further business, Chairman Boyle adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2019

A Meeting of the City of Milford Annexation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 9, 2019.

PRESIDING: Chairperson Owen Brooks Jr.

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:
Councilmembers Daniel Marabello, Todd Culotta and Douglas Morrow

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

Solicitor David Rutt

ABSENT: Planning Commission Chairman Marvin Sharp

The Annexation Committee was called to order by Chairman Owen Brooks Jr. at 6:45 p.m.

*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 IL/Proposed Zone I-2*

The following request was received from Baltimore Aircoil Company (BAC):

*Property Address: 1162 Holly Hill Road, Milford, DE 19963 Owner: Baltimore Aircoil Company, Incorporated
Tax Parcel# MD-00- 182.00-01-14.00-000*

Please accept this letter as a formal request for annexation of the above referenced parcel located at 1162 Holly Hill Road, Milford, DE 19963 containing the existing Baltimore Aircoil Company, Incorporated (BAC) manufacturing facility and 49.6 +/- acres. BAC respectfully requests the property be zoned I-2 (General Industrial) which is consistent with the City's Comprehensive Plan future land use exhibit and the existing and proposed uses on the property.

Regarding the Annexation Fee we request deferment of the payment until Annexation is complete and agree to remit payment no more than 30 days from the date of annexation. In the unlikely event payment hasn't been made within 30 days we agree to have the fee added to our Tax Bill.

*Stephen Tsotsoros
Milford Plant Manager*

City Planning Director Rob Pierce referenced Resolution 2019-12 adopted by City Council on August 26, 2019 for this Committee to investigate the matter.

He explained this annexation of this property has been discussed for more than ten years, beginning when the City provided sanitary sewer to BAC. Part of the agreement was to annex into the City once they became contiguous with our municipal limits. This was delayed until recently when they agreed to sign petitions and complete the associated paperwork.

Mr. Pierce shared that he is working with them on the annexation fee of \$27,125. They have requested postponing payment until after October 1st, which is the beginning of their fiscal year.

He then reviewed the proposed report:

Property Owner: Baltimore Aircoil Company, Inc.
Location: 1162 Holly Hill Road
Size: 49.25 +/- acres
Existing Zoning: IL – Limited Industrial (Kent County)
Proposed Zoning: I-2 – General Industrial
Tax Map and Parcel Number: MD-00-182.00-01-14.00-000

APPLICANT

A petition by the property owners was submitted on August 15, 2019 to annex 49.25 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcel MD-16-182.00-01-14.00-000 and is located along the south side of Holly Hill Road approximately 3,000 feet south of the Milford-Harrington Highway (Route 14) intersection.

STREETS

The property contains an existing industrial site where all internal roadways and parking lots are privately owned and maintained. The site has access to an existing DelDOT road. Any modifications of the entrance would require approval from the State of Delaware.

DRAINAGE

The industrial site is already developed. Any future development and expansion of the manufacturing facility would be subject to DNREC storm-water regulations and the owner would be required to obtain any and all permits from the Kent Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned IL (Limited Industrial) in Kent County under the Kent County Levy Court zoning ordinance. The applicant requests the property be zoned I-2 (General Industrial District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by the City of Milford with a small lift station and force main that discharges wastewater into the City's gravity collection system along Milford-Harrington Highway. Future planned improvements associated with the Hickory Glen project will allow the City to abandon this lift station and the wastewater will be conveyed to the new pumping station associated with the residential project.

WATER

City water is not currently available to the site and the closest connection point is 3,000 feet to the east along Milford-Harrington Highway. The property is currently served by a State approved drinking well. The City requests that the owner connect to the water system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC property. The City will require the applicant sign an annexation agreement where CPCN rights will be assigned to the City.

ELECTRIC

The property is currently served by the Delaware Electric Cooperative and the City will not be providing electric service to the property unless mutually agreed upon by BAC, the City and DEC.

TRAFFIC

The existing site has an internal network of parking lots and driveways that are privately maintained. The existing entrances located along Holly Hill Road are permitted by DelDOT and any alteration of the entrances or use of the property would need to be approved by the State of Delaware.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property contains state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). However, the property contains areas of excellent groundwater recharge and would be subject to the City's source water protection ordinance.

AREA LAND USES

The properties to the north and west of the subject parcel are currently used for agricultural purposes. The property to the east is located within the City of Milford and is being developed by Nutrien Ag Solutions as an industrial site. The property to the northeast, known as the proposed Hickory Glen subdivision, is currently used for agricultural purposes but is in the final subdivision and site plan review process for 399 residential units. The subject parcel is bound on the south by an active railroad. The property to the south of the railroad, known as the Draper Farm, is annexed into the City as R-2 but is currently undeveloped and used for agricultural purposes.

FIRE AND POLICE

The subject parcel is located within the Carlisle Fire Company district area according to Kent County's online mapping application. Carlisle Fire Dept. already provides fire and EMS coverage to this area. EMS is also currently provided by Kent County Levy Court. Milford Police Department will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Industrial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will generate new property tax revenue to the City along with revenues for any future expansion of the facility.

ADVANTAGES TO THE CITY

1. The property is within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
3. Potential for additional water.
4. The annexation would satisfy the requirement to annex as stated in the 2006 Sewer Collection Agreement signed by both the City and BAC.
5. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
6. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan."
2. Property is contiguous to existing City Limits.
3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Property is already served by City Sewer and should be served by City Water in the future.
5. The annexation will benefit the City through additional revenues, including property taxes.
6. An executed Annexation Agreement is required prior to final City Council approval.
7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services

will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: I-2 (General Industrial)

Chairman Brooks moved to approve the report as presented and proceed with the annexation of Baltimore Aircoil, seconded by Councilmember Marabello. Motion carried.

Adjourn

There being no further business, Councilmember Morrow moved to adjourn the Committee meeting, seconded by Councilmember Culotta. Motion carried.

Solicitor Rutt announced there will be future public hearings scheduled on the matter.

Chairman Brooks adjourned the Annexation Committee meeting at 6:56 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 9, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 9, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

Mayor Campbell expressed his condolences to Councilmember Wilson and her family due to the recent death of her father.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the August 12, 17, 19 and 26, 2019 Committee, Workshop and Council Meetings. With one header correction, a motion to approve was made by Councilmember Boyle, seconded by Councilmember Peel. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Due to the absence of Police Committee Chairperson Wilson, Chief Brown presented the monthly Police Report noting that the numbers are in the range of those this time last year.

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

Chief Brown then informed City Council the department applied for a JAG grant in which Milford and Seaford are the only participants from Sussex County. Milford submitted the request for \$19,301 to purchase a radar speed trailer, two radar units and a speed sign; the balance of the grant request is from Seaford Police Department in the amount of \$12,537.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg reported that a couple departments submitted their information beyond the deadline to make the packet, though the complete report will be available on the website.

He informed the Community and Economic Development Committee that on September 24th, there will be a special workshop for small businesses interested in applying for the EDGE Grant. Jointly, DMI and the Chamber of Commerce will promote the opportunity to get help with applications. Representatives from the State and Department of Business will be in attendance.

Councilman Boyle moved to accept the City Manager's report, seconded by Councilmember Peel. Motion carried.

MONTHLY CITY FINANCE REPORT

Finance Chairman James reported that there was an error in the June Finance Report which resulted in a change to the electric reserves. The \$8.5 million shown, should have been \$10.5 million. As a result, the balance of all funds for June should be \$43,290,000. The total balance of all funds for July is \$43,381,000 resulting in an increase of \$91,000. The largest portion is related to the increase in water reserves of \$700,000.

He added there was no activity in the economic development fund and no deposits into general fund reserves in July.

Chairman James shared that only one month has elapsed in the current fiscal year, with very little activity to report.

Councilwoman Peel moved to accept the July 2019 Finance Report, seconded by Councilman Boyle. Motion carried.

COMMITTEE & WARD REPORTS

Annexation Committee Meeting

Councilman Brooks reported the Annexation Committee met at 6:45 p.m. and reviewed the request from Baltimore Aircoil, after which the Committee agreed to proceed.

He also announced that the owners of Pavliks Sub Shop on North Walnut Street are retiring and the store will close after thirty-five years of service.

Mayor Campbell

Councilman Culotta commended Mayor Campbell for the Latin Festival/Carnival that occurred this past weekend. He understands it was hastily pulled together and that the Mayor jumped through some hoops to make it work. However, it was a lot of fun and he hopes it returns to Milford on an annual basis.

He also commended Chief Brown for providing the police support that allowed this event to happen in short order, which he felt was a good thing. Chief Brown thanked Councilman Culotta for his comments.

Mayor Campbell agreed it was a great event and there was a great turnout and he also looks forward to next year's event.

Fourth Ward Back to School Block Party

On behalf of Councilmember Wilson, Councilmember James thanked those that participated in the Annual Back to School Block Party that occurred Saturday, August 31st, as well as those that contributed to the event.

Council Retreat

City Manager Norenberg referenced the draft report included with the Council Minutes from August 17th. While some minor corrections have been provided by the City Clerk and the City Manager, he encouraged anyone with any other changes to contact Ms. Hudson.

The following reports were then provided:

Project Agenda Development
Project Management of Meetings – Maintaining Momentum

Mayor Campbell explained the intent was to review and approve agendas in an effort to have a quicker and more efficient meeting. The process would also be reviewed and proposed changes made that could assist in this effort. In addition, he would be visiting other Council meetings to observe other town's procedures. Training would also be considered relative to procedural policies which would help better manage meeting.

Project Live Streaming of City Council Meeting

Councilmember Culotta shared that their project investigated the possibility of livestreaming Council meetings so that residents can watch in the comfort of their own home and refer to them at a time that is convenient for them. This can be accomplished through Facebook live or through the City website. The plan is to introduce the idea on the Council agenda, after which technologies would be analyzed and policies created to ensure we meet local, state and federal guidelines. The first meeting could be streamed within ninety days.

This is an effort for City Council to be more transparent and accountable, while providing real-time and accurate information to citizens quickly and efficiently.

Project Benchmark of Strategic Plan

Councilmember Peel commented the purpose is to revisit the strategic plan and within thirty days, all Council members should be familiar with the plan and the link that was shared. This would include information from each community process and the draft and final plan.

The second portion was to request an update on the benchmarks and progress. This is currently underway by the City Manager. Once completed, a report can be provided to the public.

She reported that Councilman Marabello will be working on a more extensive communication plan for sharing updates beyond routine items such as a press releases and reports at council meetings.

Project Town Hall Meetings

Councilman James reported that he would be responsible for investigating the possibility of town hall meetings for the purpose of hearing more input from constituents. He received some input with regard to FOIA, in which Solicitor Rutt confirmed they are permitted as long as the proper procedures are followed in accordance with State Law.

In the next thirty days, it will be determined how and when the meetings would be held, in addition to considering appropriate agenda items. Within ninety days, the goal is to have this in place.

COMMUNICATIONS & CORRESPONDENCE

Councilman James reported that he has residents at the end of Truitt Avenue Extension asking about the possibility of a streetlight in that area.

He also asked for the City to consider some education regarding our electric service and the fact that the City of Milford is not charging the highest rate, which has been the mindset for many years.

Councilman James is also hearing from his constituents about more shopping and restaurants, and the question is raised why the City is not trying to attract more businesses. He responds by referring to the growth over the past years but recalls when Milford used to be the place where residents from other towns would come. However, those towns have somehow seemed to outgrow Milford in recent times.

Councilman Brooks disagreed noting that he recently read an article about the growth in Milford and that our population is expected to increase to 25,000 within ten years.

Councilman James acknowledged that those residents are speaking from a commercial or business view and not a residential perspective.

Councilman Boyle then referenced the earlier Community and Economic Development Committee meeting, where those issues were addressed. In October, several related matters will be discussed.

UNFINISHED BUSINESS

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

The following letters were received regarding the lease transfer requested by ECDC Director Lillian Harrison:

*Delaware Community Reinvestment Action Council, Inc.
Your Credit, Tax and Housing Advocates
600 South Harrison Street, Wilmington, DE 19805*

Dear Council Members:

Delaware Community Reinvestment Action Council, Inc. hereby gives notice, as required by the Armory lease agreement, of termination of the lease for business purposes.

DCRAC firmly supports Elevated Community Development Corporation's request to lease the Armory and rehabilitate the building for community use.

Lillian Harrison, DCRAC's housing director, is founder and executive director of Elevated Community Development Corporation. ECDC provides employment, training and support to the community including ex-offenders, veterans and the chronically homeless. The "support" offered to participants includes financial literacy and housing counseling as well as an array of services made available through ECDC partnerships.

Once renovated, as previously planned, ECDC will ensure the building is available for community-based programs and partners. DCRAC agrees to be a partner.

*Sincerely,
Jaclyn Quinn*



Honorable Council Members,

Earlier this year and completely by surprise, DCRAC was gifted with The Money School. As DCRAC has been changing financial lives for approximately 30 years, it was a no-brainer to continue the programs of the Money School and work to increase its' classes statewide. This coupled with the continued capital campaign for 600 S Harrison and the new Lobono Legal Clinic recently launched, is a massive undertaking beyond its' current capacity.

From the beginning DCRAC sought a lead agency with the intent to be a tenant as the building is centrally located and very accessible for northern and southern clients. As Housing Director for DCRAC and Executive Director for ECDC, we have been working as lead on the expansion for DCRAC. ECDC is a 501c3 organization and was to be a tenant at the Armory.

As of November 2018, ECDC has expanded its' programs/services and partnerships and built a firm foundation within the State as a Workforce Development Organization. The plans for the Armory approved by Council were for the building to be a "hub" of community services and with Lillian's background, experience, connections and partnerships, we are confident in our ability to continue as planned. ECDC's program has committed to providing the labor necessary for the renovations to the Armory. Our background in fundraising and outreach will allow us to generate funds needed to operate and maintain occupancy of the Armory. Furthermore, we know that we have the ability to manage securing tenants and providing services for the City of Milford and surrounding communities.

We are asking for the City Council to consider the assignment of the lease to Elevated Community Development Corporation and to consider a ten-year term or a minimum original five-year term for the lease. All other conditions of the lease to remain as approved.

*Sincerely,
Lillian Harrison
Executive Director
ECDC*

City Manager Norenberg reported that he has been working with City Solicitor Rutt who recommended one of three options:

1. Authorize ending the current lease with DCRAC and entering into a short-term lease with Elevated CDC to complete the current term on the lease with no change of conditions.
2. Authorize ending the current lease with DCRAC and entering into a new one-year lease with Elevated CDC with no change of conditions other than dates.
3. Authorize ending the current lease with DCRAC and direct staff to negotiate a revised lease, addressing any concerns voiced by City Council and/or Elevated CDC.

He explained that if option one or two is selected, Council could direct the Mayor to enter into the agreement tonight. However, a new lease would need to be brought back for review at a future meeting.

Ms. Harrison then introduced the DCRAC's Deputy Director Jaclyn Quinn.

Deputy Director Quinn acknowledged that Ms. Harrison has been the project lead on the Armory. With the transition of Ms. Harrison moving into her non-profit full time, they fully support the recommendation and agree it is appropriate to terminate the DCRAC lease, though they will continue to support and partner with ECDC, in relation to the original plan for services at the Armory.

When asked specifics, Ms. Quinn confirmed that DCRAC's position is it is necessary to terminate the lease, but support Ms. Harrison's EDCD in pursuing the same goals established under DCRAC.

Councilman Marabello asked if the current provision of one year with one-year renewal were satisfactory and referenced the letter that requested a minimum five-year lease; Ms. Harrison explained that at some point, she would need to revisit

the lease term, considering the renovations and work that will be accomplished at the facility. At this particular time, she understands and would agree to the transfer of the lease for the remaining year, or an additional year's lease.

Initially, Mr. Norenberg explained that the City was to provide for a lower, no-cost lease to DCRAC in exchange for the improvements, which includes roof, floor and utility repairs and ADA requirements, though many improvements have already been made by Ms. Harrison and her team. He agrees that after one year, City Council should consider the value of the improvements in relation to the x amount of waived rent. In addition, the services that will be offered to the community should also be weighed.

Solicitor Rutt added that one concern raised by City Council was what had changed at DCRAC between the time the lease was executed in January and now.

The Deputy Director described several changes noting that the two most pertinent ones were DCRAC's capital campaign they are currently undergoing in Wilmington that is continuing. Because of that, they have been unable to launch a full capital campaign for the Armory. They do not foresee completing that for at least another year.

The second change is the growth of ECDC, which Ms. Harrison is the Executive Director. They are strong partners, but with her shifting fulltime to EDCD, they do not have the staff member in Milford to operate the Armory.

Ms. Quinn emphasized that DCRAC is a small nonprofit organization with five fulltime employees throughout the state. They run a credit union, law firm and provide advocacy and counseling services. Because of the workload, they are unable to dedicate another fulltime person to the Armory. However, Ms. Harrison will continue those efforts, but under EDCD.

Mr. Rutt also noted that the lease provides for a sublease and asked why a sublease would not work, versus terminating the current and entering into a new lease. Ms. Quinn explained that involved the inability to fundraise for the needed repairs. The other is DCRAC would be unable to provide an on-site manager which is why it makes more sense to keep this under Ms. Harrison's umbrella at EDCD.

Councilman Culotta asked if the due diligence has been done on EDCD to ensure their finances are strong enough to do the required repairs. He said it sounds like DCRAC needs to terminate the lease because it is has become a bigger project than originally anticipated.

He asked if the new lease be terminated and the process restarted with another public hearing. Mr. Norenberg recalled the public hearing relates to the conditional use which stays with the building. Mr. Rutt agreed adding there was no comments directly related to whether or not DCRAC was an appropriate agency.

In addition, the City Manager also pointed out the difficulty in stress testing a nonprofit to ensure they are capable of handling this. Instead, it should be based on City Council's comfort with the vision and capabilities Ms. Harrison has discussed on several occasions. He did express that to Ms. Quinn, particularly because EDCD has not been around as long as DCRAC, but now feels that entering into option one or two enables the City to monitor that success over the next few months or year.

The three options were then considered by Council.

Councilman James asked which option Ms. Harrison preferred; she stated that for the sake of time, either option one or two will work. Ideally, it would be option three only because of the possibility of a longer lease term.

Councilman James stated that with option three, an extension could be considered, but was not guaranteed. Ms. Harrison agreed stating she understands Council's desire to monitor their activity for one year.

Councilmember Peel then defined the stipulations for organizations who are provided City money, noting they must report to Council on a regular basis. She does feel that having a benchmark or check in to continue the partnership would be worthwhile.

When asked which option she prefers, Councilmember Peel agreed that option one or two would be beneficial for the sake of time. That would also provide an option to revisit the circumstances at a later date. She also does not feel that option three would include a longer-term lease initially.

The Solicitor clarified the existing lease ends on February 6, 2020, but includes an automatic one-year renewal, which would extend the deadline to February 6, 2021.

Councilman Culotta referenced the proposed photos of the lower level and asked for confirmation that Ms. Harrison would be willing to put this kind of money into it.

Ms. Harrison explained the photos contain a workshare space. With the lower level, the offices would be leased out and the corridor (center) would be designed as a workshare atmosphere for not only the nonprofits housed there, but for other local businesses. It would be patterned after The Mill, which is a community and coworking space in Wilmington that provides shared workspace for nonprofits, remote workers, startups and established businesses. She has a meeting tomorrow with the Chamber of Commerce to discuss the proposed plans for the Armory.

Ms. Harrison believes the lower level could be changed into a collaborative effort between the Chamber and this agency, while being mindful of the deed restrictions.

If asked how long option one or two would take, Mr. Rutt anticipated a few days, though option three will require more time.

Mr. Rutt further explained that if Council preferred a new lease under option three, the current lease would remain in place until such time City Council could vote to terminate the current lease and enter into the new lease.

Following an in-depth conversation, and a description of her plans for the building, Ms. Harrison said to create a new business plan would require at least another sixty days.

Councilman Boyle feels that option one gives an immediate transfer and removes the pressure of the February 2020 date. Council could still terminate the lease if it were to go beyond February, while still having the option to execute a new lease. He emphasized that in the end, the City is dealing with the same people, same goals and objectives. Ms. Harrison said that works for them as well.

Councilman Boyle moved to approve option one to terminate the current lease with DCRAC and transfer it to Elevated CDC, who would complete the current term, with no change of conditions, seconded by Councilman James. Motion carried with no one opposed.

NEW BUSINESS

The following ordinances were introduced by City Manager Norenberg:

Introduction/Ordinance 2019-30/Milford Marina Enterprises LLC/Conditional Use

Planning Director Rob Pierce stated this ordinance is for a conditional use required for a Planned Unit Development, known as Knight Crossing, consisting of 131 units proposed subdivision, east of Beaver Dam Road and south of Route 36.

It is scheduled for the Planning Commission agenda for Preliminary Subdivision and Conditional Use review on September 17th and will be back before City Council for a final determination on September 23, 2019.

Introduction/Ordinance 2019-31/Chapter 230-Zoning/Adding Yard Sale Definition & Amending Craft Distilleries and Microbreweries

Planning Director Pierce remarked this is a proposed amendment to the City's Zoning Ordinance, and adds a definition for yard sales as well as language related to craft distilleries and microbreweries in commercial and business park/light industrial designations.

It is also scheduled for the Planning Commission agenda for Preliminary Subdivision and the Conditional Use review on September 17th and will be back before City Council for a final determination on September 23, 2019.

Introduction/Ordinance 2019-32/Chapter 57-Planning Commission/Add Compensation of Members

Planning Director Pierce recalled Council previously approving the compensation of Planning Commissioners. The amendment adds the provision to Chapter 57. This is on the September 23, 2019 agenda of City Council for final action.

Introduction/Ordinance 2019-33/Chapter 230-Zoning/Board of Adjustment/Add Compensation of Members

Planning Director Pierce explained this mirrors the amendment to Chapter 57, but instead adds provisions to compensate Board of Adjustment members and amends the City Zoning Code.

It is scheduled before the Planning Commission for Preliminary Subdivision and the Conditional Use review on September 17th and on the September 23rd City Council for final action.

Introduction/Ordinance 2019-34/Chapter 55-Personnel

City Manager Norenberg explained this ordinance updates several areas of the Personnel Chapter and will be presented at the September 23, 2019 Council Meeting for final action to be taken.

Approval/Teamsters Local 326/Memorandum of Agreement/Bilingual Pay Differential Allowance Policy

The City Manager recalled previous conversations regarding the initiation of a Bilingual Compensation Program whereby employees will receive additional compensation who are able to speak languages beneficial to the community. Those positions are listed in the policy and employees will be required to meet minimum proficiency levels.

In order to implement for members of the Police Department Teamster's bargaining unit, a Memorandum of Understanding was created.

HR Manager Jamesha Eaddy was present and explained the focus of recruitment is the diversity of workforce to meet the population of the City. Two employees, one in customer service and the other in public works, have satisfactorily passed the bilingual proficiency exam, as of this date.

When asked how the compensated rate \$83.33 per month was determined, Ms. Eaddy explained that was the rate after this was discussed by department directors during the staff meetings. Employees who are deemed certified in more than one of the designated languages and/or American Sign Language, will be compensated at the rate of \$100.00 per month.

Councilman James said he has heard many compliments about the Customer Service Department recently, and the bilingual aspect has definitely enhanced those comments. He also feels it is vital for the police department to have someone available who is able to speak other languages and feels the compensation is minimum.

Councilmember Peel moved to authorize Mayor Campbell to execute the Memorandum of Understanding between Milford Police Department and General Teamsters Local 326, to initiate the Bilingual Pay Differential Allowance Policy, seconded by Councilmember Culotta:

Bilingual Pay Differential Allowance Policy

The City and the Union agree as follows:

- 1. Police Officers will participate in the City's Bilingual Pay Differential Allowance Policy which authorizes officers to receive additional compensation for bilingual proficiency.*
- 2. The City will determine the languages which are part of the program, the testing processes and minimum proficiency levels, and the number of employees, by position, that are eligible to participate.*
- 3. Pay will be discontinued if the officer is reassigned to a different job position, the functions of the job position no longer meet the requirements, or if the officer does not maintain proficiency.*
- 4. The program may be suspended or discontinued due to financial or other constraints at the discretion of the City. Participating officers will be compensated for all work performed under the program prior to the date the program is suspended or terminated.*

Motion carried.

Appropriation Match/P&R Grant Application/Riverwalk Extension Easement

City Manager Norenberg reported that P & R Director Brad Dennehy prepared and submitted a grant application due last Friday, related to the extension of the Riverwalk.

Mr. Dennehy acknowledged that Dan Bond and his task force were again present and have been working on the acquisition of the Vinyard Boat Yard because Joan and Sudler Lofland want to sell their properties. He agrees the Greater City of Milford needs to retain the boat yard for its historical and cultural importance. However, he is in attendance this evening to discuss the extension of the Riverwalk, which is the result of the missing link on the south side of the river that surrounds the Lofland properties.

He explained the City applied for grant funding through the Delaware Land and Water Conservation Trust fund, administered by the Department of Natural Resources (DNREC). The purpose is to continue the Mispillion Greenway through the Lofland properties which would become known as the "Vinyard Extension".

On July 1st, the City received notice that the Joint-Council had reviewed the application and the next part of the planning process should be submitted for \$50,000. This is a match grant so the City would have to contribute 50% or \$25,000. The deadline for the once-a-year grant was this past Friday, September 6th.

Since receiving the notification in July, the City's Design Professional and Mr. Dennehy have met with Mr. and Mrs. Lofland about their property. He said there is a verbal agreement with the Loflands, though they are willing to put it in writing. If the property were purchased by the City, Mr. and Mrs. Lofland would be willing to grant an easement to connect the remaining portion of the Riverwalk through their property. If they opt to sell it to a commercial developer, they are concerned the boat yard would be sold and the Loflands personal home separated and potentially sold to another individual.

Though the City may not know exactly what they would do with the entire property, he agrees with the task force though he cannot talk about how the City can purchase the property, but wants to pursue the \$25,000 matching grant to complete the riverwalk.

In order to submit the application, a letter of commitment from the City is needed stating that the \$25,000 is available which would require a confirmation by a vote of City Council.

Mr. Dennehy pointed out that when he talks about the City, he is referring to the entire Greater Milford area and not just the City of Milford.

He agrees the boat yard can be used for a number of functions, including Abbotts Mill operating programs, Great Gatsby parties on the river, weddings, etc. However, he is unsure how to obtain the funding needed to retain the Lofland

property, though his goal this evening is to get approval of the \$25,000 which will allow him to move forward with permitting and construction.

Purchase of Lofland Properties

Dan Bond then spoke about the task force he and Sher Valenzuela are heading. He said they have previously presented to City Council their idea of finding a way to preserve the Vinyard Shipyard and the broader vision for the entire fifty-acre site east on the north and south side of the river surrounding the Vinyard Shipyard.

He said this is the second step in the great vision that was created thirty years ago. The key is the Vinyard Shipyard which needs to be preserved first and the urgency on the part of the Joan and Sudler Lofland. They realize the City is not going to buy the property unless they know how it will be used, maintained and financed. That is what the task force is working on. The City provided funding to hire Architectural Alliance Consulting Plan to come up with a plan for the future of the Vinyard Shipyard and to develop a business plan how it can be financed operationally and purchased, which he reiterated the task force is overseeing.

He pointed out that a big option for purchasing the property is the State Bond Bill.

Mr. Bond then talked about a meeting at the Wilmington Water Front with their developers and learned how important the State Bond Bill was to see that development move forward. He said when looking at Wilmington and that waterfront, there has been a tremendous increase in the businesses in that area, which ultimately increased the City's tax base and revenues. Wilmington is now planning to jump over to the southside and start developing those marshlands. He believes this is what Milford can do on the Mispillion.

He emphasized the task force feels very strongly the City should purchase the Lofland properties.

Mr. Bond also recalled previous conversations about Delaware Nature Society at Abbotts Mill, who is interested in operating the facility. However, they are requiring an operational business plan which will include its uses and how it will generate enough revenues to support the activities.

He said he is happy to announce they applied for an additional grant of \$14,000 from USDA to use to promote the plan throughout the community and build support. He emphasized that support of the plan is not hard because everyone they have talked to has been supportive.

Mr. Bond commented that they will not return to City Council to move forward with the purchase until they have completed their plan for how it will work. He, along with several interested parties, went to the shipyard a few weeks ago, to look at the Lofland properties again and to confirm the support of Joan and Sudler Lofland to extend the Riverwalk through their property.

According to Mr. Bond, even though the Loflands understand the delicate sequence of purchase and access, they are very enthusiastic. The City's landscaper has come up with an alternative way the riverwalk does not go in front of their house because of the sensitivity to that property. However, they fully support the idea to keep people on the river versus going around the big boatyard and not cutting off access for boats coming in for repairs to the boatyard.

Mr. Bond agrees that as soon as the land is purchased, the task force can then move forward with obtaining the grant money from DeIDOT to start the actual construction.

Mr. Dennehy confirmed the extension would match the remaining boardwalk with raised Aztec decking on pylons along the river. The amount of land the Lofland house is on will provide enough land to extend the elevated boardwalk in front of the Loflands house.

He concluded by stating that having the Loflands gift that easement to the City is huge, though there remains some unknown questions with financing.

Councilman Marabello feels the City would be remiss if we did not take advantage of this opportunity and approve the match of \$25,000.

Mr. Dennehy then stated that to put the finances into perspective, the cost estimates of the entire construction of this area will cost more in the neighborhood of \$475,000. He also reminded Council that we just completed a \$350,000 riverwalk replacement project of which almost half of the monies came from grants.

Once this section is approved, the P&R Director will move forward with the next grant cycle for the construction costs. He confirmed the \$50,000 will only cover the costs of the planning and design by the landscaping contractor.

Councilmember Marabello moved to approve the grant match money of \$25,000 for the initial stage to be appropriated from general fund reserves, seconded by Councilmember Peel. Motion carried.

City Manager Norenberg reported that on Saturday, September 28th at 10:00 a.m. a ceremony will be held in the area of the Farmer's Market to celebrate the legislative monies received for this project.

Adoption/Resolution 2019-13/Sidewalk Waiver/A&E Property Solutions LLC/608 NW Front Street

Planning Director Pierce explained the property currently contains a vacant, dilapidated structure that A&E Property Solutions has bought and agreed to demolish, after which a new two-story structure will be built.

When reviewing the new construction permit, it was determined the City requires the installation of sidewalks as outlined in Chapter 197, unless temporarily waived by City Council. In the past Council has approved such waivers for areas that do not have sidewalks within a certain distance. In this situation, there are no sidewalks west of Lakeview Apartments west to Walgreens Pharmacy.

Streetscaping work is being planned for this area as well, though the focus is on eastern side of Milford headed toward Rehoboth Boulevard.

When questioned, A&E Property Solutions Project Manager John Cristaldi confirmed that 608 is a teardown and rebuild. The 606 property is vacant and a new structure built.

Mayor Campbell asked if anyone from the public wished to speak regarding the temporary sidewalk waiver.

Kate David of 204 South Walnut Street stated that across the street is the fire hall and she believes there is pavement on the houses that run from the fire hall up to Parson Thorne. She does not see a reason why the developer cannot get a waiver because someone can walk across the street if they need to walk on pavement.

Nina Pletcher of 428 South Walnut Street said that if you are handicapped and, in a wheelchair, a person cannot get off the sidewalk on the firehouse side to get over to the other side because there are no crosswalks. She is bringing up the handicapped issue because we have spent enough money altering the sidewalks to accommodate that though not all are handicapped accessible.

Julie Kazimiroff of 202 South Walnut Street said she studied public health and understands the benefits of complete streets and not to impose upon this kind gentleman, but the haphazard nature of the way the City is addressing sidewalks is not to the public health benefit. And it is not that simple and for example, one of our citizens or people from Milford here, brought up the point of handicapped accessibility. The whole thing is she would like to walk from here to Walgreens comfortably without any worry. She asked if there is anything within the sidewalk plan to address how to encourage people to walk in Milford, like with the riverwalk, and to make the people of Milford aware of the health benefits of walking and to fix the sidewalks of the City of Milford for the people in Milford so they can walk comfortably and not to impose on the developer. She reiterated it is must be the haphazard nature of sidewalk development issues at this point which came to her attention.

There being no additional persons wishing to speak, the floor was closed.

Councilman Boyle moved to adopt Resolution 2019-13, temporarily waiving sidewalk requirements at 608 Northwest Front Street, seconded by Councilmember Culotta:

Property Owner: A&E Property Solutions LLC
Address of Property: 608 Northwest Front Street
 Milford, Delaware 19963
Tax Map No: MD-16-183.09-01-27.00.000

*RESOLUTION 2019-13
 Sidewalk Waiver*

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.*
- 2. When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.*
- 3. Waiver, as approved by the Milford City Council, on September 9, 2019, shall be reflected on the Site Plan.*

Motion carried.

Adoption/Resolution 2019-14/Sidewalk Waiver/A&E Property Solutions LLC/606 NW Front Street

Planning Director Pierce explained that this vacant property is directly east of 608 Northwest Front Street, where a new single-family dwelling will be constructed. Again, a temporary waiver, this property will be required to construct a sidewalk at the time described in the resolution.

Councilman Boyle moved to adopt Resolution 2019-14, temporarily waiving sidewalk requirements at 606 Northwest Front Street, seconded by Councilmember Peel:

*RESOLUTION 2019-14
 Sidewalk Waiver*

Property Owner: A&E Property Solutions LLC
Address of Property: 606 Northwest Front Street
 Milford, Delaware 19963
Tax Map No: MD-16-183.09-01-26.00.000

WHEREAS, the above stated owner has requested a waiver of the provisions of Chapter 197 of the Code of the City of Milford requiring the installation of curbing and sidewalks; and

WHEREAS, there exists justifiable reasons to waive the installation of said improvements at the present time;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. *The required improvement for curbing and sidewalk as set forth in Chapter 197 of the Code of the City of Milford for the above property are hereby waived for installation at the present time.*
2. *When in the future it is determined by the City of Milford in its sole judgment that it is appropriate to install said improvements, the property owner, its successors or assigns shall be required to complete said improvements at the owner's expense within the time required by the City of Milford.*
3. *Waiver, as approved by the Milford City Council, on September 9, 2019, shall be reflected on the Site Plan.*

Motion carried.

EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter
Pursuant to 29 Del. C. §10004(b)(4) Potential Litigation*

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:27 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:31 p.m.

Council Appointee Goals

Potential Suit

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

ADJOURNMENT

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

The Council Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 23, 2019

The City Council of the City of Milford met in Workshop Session on Monday, September 23, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:00 p.m.

PRESIDING: Mayor Arthur 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: Acting City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Organizations receiving financial support from the City of Milford were in attendance to present their quarterly status reports to City Council.

Quarterly Update/Downtown Milford, Inc.

DMI President Peggy Reilly referenced the written report included in the Council packet, after which she offered the following highlights and updates:

- New Executive Director Trish Gerken hired as of today and a one-year contract signed.
- New Board Members elected effective 07/01/19.

President Reilly reported the official count for the 2019 Ladybug Music Festival held this past Saturday was approximately 5,000 attendees, or 2,000 more than the first year.

She thanked Mayor Campbell, City Manager Norenberg and Councilmen Boyle and Culotta for participating in the festivities and volunteering to be on the main stage on Saturday. She also thanked the Police Department, Public Works and Parks and Recreation for their assistance.

Volunteer hours on Saturday equaled 96 hours; Sara Pletcher and Sara Kate Hammer, through Saturday night, had spent 150 hours alone, to help make this event successful. Multiplying that number by the volunteer hourly rate calculates to more than \$6,000.

DMI will meet with Gable over the next month to discuss the plans for the 2020 Ladybug Festival.

President Reilly thanked those in attendance at the Third Thursday this month. That was the last event whereby the streets will be closed, though Third Thursday will continue monthly from 5:00 pm to 8:00 p.m.

Councilman Boyle commended DMI on the Ladybug Festival adding that the City will assist in the future by providing better marketing for the event. He feels many more people will attend if they were aware of the quality of the performances. Several other Councilmembers remarked on what a great community event it was.

Council thanked President Reilly and DMI for their hard work with the event.

Quarterly Update/Milford Public Library

Library Director Kay Hudson thanked Council for their financial support this year. She reported they continue to be extremely busy on a daily basis and are happy to provide these services to our residents.

She reported that the restrooms are now available to the public during all outside community events. Those include Music in the Park, Freedom Festival, Ladybug Festival (until the library closed), Third Thursday and the Farmers Market.

Director Hudson stressed that the library's emphasis on the Teen Center that welcomed 400 teens during the last two months of the summer. In addition, the library has incorporated a fun, hands-on STEM focused learning environment to spark student innovation.

Additional numbers for July include:

Library Attendance: 36,353
Music in the Park: 1,225 (200 to 400 nightly)
Summer Reading Programs: 2,000
Programs held for Adults, Teens, & Children: 72
New Patrons: 275

Two part-time high school seniors have been hired, one being bilingual.

Upcoming events include a Romeo and Juliet Performance on Friday, November 1st at 2:00 pm (Delaware Shakespeare Production), various children, teen and adult programs and a book signing. The two-hour Shakespearian performance will be held in the Lions Club Room.

Their major fundraiser is the Christmas Tree Extravaganza which will begin the first of December. This community effort has been adopted as a holiday fundraiser to bring added joy to a deserving family through the generous donations of individuals, businesses and organizations.

Quarterly Update/Milford Museum

Executive Director Claudia Leister encouraged everyone to visit the new ladybug statute that is now in the front of the museum. She recalled that the students in Lulu Ross Elementary School's 2nd Grade Class in 1974 successfully petitioned the State Legislature to have the ladybug designated the State bug.

She talked about the fundraising efforts of a friend, in addition to the work of local artist Nadia Zychal, that made this happen.

Ms. Leister then provided a quick synopsis of her quarterly report noting that their current membership is at 215 and encouraged those present to consider becoming a member and becoming involved in their activities.

She acknowledged the financial and in-kind assistance of corporate sponsors J.H. Wilkerson & Son, I.G. Burton, Richard Y. Johnson & Son, Atlantic Concrete, Wagamon Technology, Copy Works and Davis, Bowen & Friedel Inc.

Monthly visitors to the museum were 175 in June; 220 in July; 747 in August and 75 to date in September.

The success of their newest event, HippieFest, a first of its kind in Milford, celebrated the 50th Anniversary of Woodstock at the Causey Mansion in August. Tickets were sold so quickly that Ms. Leister finally had to stop when they unexpectedly reached 300, resulting in a profit of \$2,583.

Earlier in the month, 100 people attended an ice cream social at the Mulholland Spoon Mill Building located along the Mispillion River, next to the dog park.

Ms. Leister pointed out they are accomplishing all of this with only eleven board members, spouses and volunteers.

She reported on the Museum's funding, which change, because of the three paid employees, who all work on a part-time basis.

ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$10,686.59	Payroll	\$29,795.10
Utilities	\$1,332.90	Utilities	\$5,536.01
TOTAL:	\$12,019.49	TOTAL:	\$35,332.01

Presentation/Misphillion Art League/The Big Draw

Board Member Morgan Golladay spoke about the Big Draw Festival which will be held throughout the month of October.

She reported the following:

Twenty-five classes, workshops and events have been planned for artists, young and old, beginners and experienced. Another twenty-five events will be free to families on Saturdays throughout the month.

People have been creating designs within circular formats for thousands of years. The Art League is inviting community members every Saturday during October to help paint a mandala on the adjoining wall between the gallery and the education annex space.

Ms. Golladay provided some background stating the Big Draw, sponsored by Bayhealth, originated in England about twenty years ago and was designed to get people to have fun with art, with or without any artistic talent. She then described various activities that include using crayons on walls, profiles, drawing on large pieces of paper and sandcastle building on Park Avenue, to name a few.

The Art League has partnered with Jerry’s Artarama in Newark, Milton Arts Guild, Rehoboth Art League, Developing Artist Collaboration in Rehoboth, Gallery 107/Nanticoke River Arts Council in Seaford and Downtown Dover Partnership to bring these art opportunities to our surrounding communities.

The kickoff will be done on the last day of the Farmer’s Market at which time a Community Canvas will be done.

The theme is ‘Creativity and Wellness’ and the league will have a manned, art cart at Bayhealth during October, taking art activities to the patients. Other organizations involved include the Second Street Players, Music School of Delaware, First State Dance Academy and Milford Museum.

Other activities will be held at Misphillion River Brewery, Arena’s, Dolce, Gallery 37, Vinyard Shipyard and the Milford Public Library.

She encouraged the Mayor and City Council to attend, and bring friends and family to participate in the fun-filled, creative events.

The workshop temporarily recessed at 6:28 p.m., but was reconvened at 7:01 p.m. by Mayor Campbell, when a representative from Carlisle Fire Company arrived.

Quarterly Update/Carlisle Fire Company

Chief Engineer Duane Fox informed Council that he is reporting on the monies appropriated by the City and what they do for the City.

He shared that the \$60,000 received from the City was spent in the first two months on salaries. He plans to continue reiterating every time he addresses Council that the money has already been spent.

Since January 2019, Carlisle has had 2,194 ambulance runs (projects to 3,840 annual runs) and 438 fire calls (projects to 766 annual calls). Runs on both sides have steadily increased as the year progressed which aligns with the City’s growth.

Mr. Fox also talked about the expanded uses in the former Milford Memorial Hospital, which include La Red Health Center, assisted living and nursing services, in addition to a full-time day care in the previous Medical Arts Building.

Every year, the State Auditor provides a report to show what the volunteer fire services save the State of Delaware in a given year. If a paid service was needed in the City of Milford today, at least two pieces would be required, with a staff or four persons apiece, an engine and a ladder. To accomplish that, would require eight people a crew, four shifts, or 32 people. Those people would require supervisors who would be overseen by the Chief.

Using figures from Wilmington Fire Department, Mr. Fox roughly estimated, that 24 firefighter salaries would cost approximately \$1,080,000 per year. Adding officers is another \$480,000, supervisors \$280,000 and a paid Chief who would make at least \$90,000 annually. Those salaries alone total \$1.930,000 just for firefighters.

Currently, Carlisle has two shifts of EMS that include a 24-hour shift and a 10-hour day shift, which will be increased in the near future. That was recently increased to seven days a week from five days, and needed as a result of the dwindling number of volunteers.

Mr. Fox emphasized that no one can voluntarily make almost 4,000 runs and have a full-time job.

Three EMT's and a supervisor per shift, with someone overseeing the EMS Division, would cost another \$740,000 for a grand total of almost \$2,700,000 which is the savings to the City of Milford in salaries alone.

In addition, equipment, gear and training costs need to be considered.

Mr. Fox emphasized they do not have a lot of volunteers beating down the doors to be a volunteer fireman. Much of that is attributed to the amount of time required and the number of weekends needed just to satisfy minimum training requirements to be eligible to ride on a fire truck.

Carlisle also has fire police that help, over and above all of these activities. He shared that their Chief typically calls Kent Center and asks to dispatch any available fire police for numerous type incidents, including traffic signal outages and accidents. In turn, this prevents Milford Police from having to put officers at these locations. They also standby for the City electric department when necessary, which again frees up Milford Police Department while a pole or wire is being repaired.

From January to September, approximately 82 manhours, calculated at \$24 per hour, which is the average hourly pay of a Milford Patrolman, saves the City of Milford another \$200,000 by having Carlisle's personnel volunteer to man these scenes in their own personal vehicle in all kinds of weather.

Of the 438 alarms, one fireman currently has made 344 calls. Calculating that at \$20 an hour for a one-hour call, results in a donation of \$6,880 to the City of Milford and surrounding community. This fireman is very fortunate because his employer allows him to leave and respond to calls during his work day, which is a unique situation for most firefighters.

Mr. Fox shared that Lewes is having the same issues as other downstate fire companies. Lewes runs five or six ambulances a day. Some are by volunteers, but most are paid and they are also looking for ways to help with funding. A study was done that resulted in a paid fire department increasing county property taxes \$9 per thousand, which is a huge hit.

Referencing the number of people that move to Delaware because of our low tax base, Mr. Fox noted that one of the reasons we can keep our taxes low is because of volunteer fire companies. If there was another way to fund our public schools, very little property tax would be paid at the county level.

Councilman Boyle asked if we continue to grow, does Mr. Fox anticipate the need for another fire station. Mr. Fox said that has been discussed for a long time. However, a piece of property is required first and foremost. If another station is needed, it has to come with enough volunteers from that area to make it work. Their theory was to be in the Hearthstone area, and though they had discussions a long time ago with Mr. Fannin who agreed at the time, that has all gone by the wayside when he sold the property to the hospital.

Mr. Fox does not feel Carlisle has planned far enough ahead to do that, so he does not expect that in the near future.

When asked about equipment, Mr. Fox is confident they have enough equipment to handle the growth for some time. He referenced their three pumpers, a tanker, a ladder and a rescue, along with a brush unit and two ambulances. Where the increase will be needed from a station point, is in the ambulance area. They recently purchased a new ambulance and did not get rid of the old ambulance as they have done in the past. They will be using three ambulances, but will not man the third ambulance at this time. However, if the runs continue to increase, they will need to in order to meet the demand. They try not to burden surrounding fire companies for assistance, which also results in a longer response time.

He emphasized that a substation turns into more about the firefighters and being closer to their people, versus having a station closer to a lot of developments, that is difficult for firefighters to get to.

Mr. Fox feels that from a volunteer fireman's perspective, their current fire house is not in the best location. He lives approximately a mile and a half away on Old Shawnee Road and is one of the first ones to respond. It takes anywhere from five to eight minutes for the trucks to get out, in addition to the time it takes to get to the site, which is frequently impacted by downtown traffic issues. He pointed out that is a long response time in his opinion.

Having paid firefighters, would make more sense by helping to reduce their response time.

When asked if Carlisle will become a mixed paid/volunteer fire company in the future, Mr. Fox said that though they currently call Carlisle a volunteer fire company, technically, they are already a combination, due to paying EMT staff. EMT's have been paid since the 1960's when the firehouse was down by the river.

On the firefighter side, he pointed out that volunteers do not want to give their service up until it is absolutely necessary, in addition to the affordability factor.

He concluded by saying this year, Carlisle has begun adding other departments to assist when needed. He believes the highest call volume is due to vehicle accidents with very few actual fires.

There being no further business, the Workshop concluded at 7:23 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 23, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 23, 2019.

PRESIDING: Mayor Archie Campbell

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

STAFF: Acting City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:23 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2019-17/Public Power Week

Acting City Manager Whitfield reintroduced Electric Superintendent Will Gallagher, who was present to accept the Public Power Week Proclamation on behalf of his department. Mr. Whitfield commended him noting that since he was hired in May, he has taken on a number of new projects, many of which have been completed.

Last week, Mr. Gallagher had employees who were deservedly recognized at the DEMEC Annual Meeting for volunteering to participate in the Light Up Navajo Nation Project and the recent Hurricane Dorian Relief effort.

Mayor Campbell read the following proclamation into record:

WHEREAS, we, the citizens of the City of Milford, place high value on local control over community services and therefore have chosen to operate a community-owned, locally-controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Milford Electric Division provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Electric Division is a valuable community asset that contributes to the well-being of local residents through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the Electric Division is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live, play, and work, and contributes to protecting the global environment.

NOW, THEREFORE BE IT RESOLVED: that the City of Milford Electric Division will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all residents of the City of Milford; and

BE IT FURTHER RESOLVED: that the week of October 6-12 be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community, and the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed hereto this 23rd day of September 2019.

Superintendent Gallagher then spoke noting that this week is an opportunity to highlight the hard work of the City's electric workers and demonstrate the core values of public power.

He noted that on Monday, October 7th and Wednesday, October 9th, he and the Operations Supervisor will be set up in Customer Service for the purpose of talking and networking with residents. In addition, an appreciation breakfast is scheduled on Thursday, October 10th for Public Works Employees who give their all for the City of Milford. He also hopes to get into Milford's elementary school to interact with those students and tell the story of what his employees do.

PUBLIC HEARINGS

Planning Director Rob Pierce then shared information on the following ordinances:

Ordinance 2019-31

Code of The City of Milford

Part II-General Legislation

Chapter 230-Zoning

Add Yard Sale Definition, Amend Craft Distilleries and Microbreweries

This is an amendment to the Zoning Code that involves two parts. The first part adds a definition related to yard sales. It was discussed at the Community and Economic Development Committee meeting in July, where some tweaks were made prior to it being presented to the Planning Commission earlier in August.

The four-day limitation was the result of the discussion and determination by the committee.

At the September 17th Planning Commission meeting, they recommended a slight modification to the definition of yard sale by replacing the word OR with AND (as noted).

The second portion adds language related to craft distilleries and microbrewery establishments. This was the result of meetings with a local distillery company that opened on McColley Street in a light industrial zoning district. They plan to provide additional services of direct sales, tastings and on-site consumption, which were previously prohibited in the I-1 zone. The amendment adds language into the downtown central business district and riverfront development zoning categories that will permit craft distilleries and microbrewery establishments, provided they meet the required criteria.

In addition, language was added into the business park and light industrial zoning categories that would permit those uses as conditional uses, meaning they would require the final approval by City Council.

In addition to a minor numbering error and word amendment, the Planning Commission unanimously recommended approval of the ordinance.

Mr. Pierce then explained the difference in uses permitted in the downtown and riverfront development districts which allow taverns and retail liquor stores. Some housekeeping amendments were also needed in the business park and light industrial zoning categories, in addition to the requirement of the conditional use permits in those districts.

When asked about required square footage or limited number of persons when serving in premises, Mr. Pierce confirmed that would be established by the State of Delaware OABCC and the City's building code.

Mayor Campbell then opened the floor to public comment.

Business Managers Stacey Arnold of 5 Big Pond Drive, Milford and Eric Fibelkorn of 191 Doctor Smith Road, Harrington, were both in attendance. Ms. Arnold explained that as part of the TTB and OABCC requirements, they were required to run ads in the three local newspapers, weekly and monthly. In addition, the City provided them with area property owners whom were sent notices by mail.

She confirmed that the number of people is regulated by the State Fire Marshal, and is based on the public space available, which is currently eighteen persons.

They also informed Council the two of them are the only employees. Each has full-time jobs and the manufacturing will be done on weekends. The tasting room will be added to try to recoup some revenue. She confirmed they are completely surrounded by commercial and industrial uses.

There being no further comments, the floor was closed.

Councilmember Peel moved to adopt the language in relation to the definition of yard sale or garage sale, in Section 230(4)(A), with the amendment proposed by the Planning Commission, which eliminates the word OR and adds the word AND, to read as follows:

...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 **AND** used primarily for residential purposes..., seconded by Councilmember Culotta.

ORDINANCE 2019-31
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ADDING YARD SALE DEFINITION
AMENDING CRAFT DISTILLERIES AND MICROBREWERIES

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 purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District; and

WHEREAS, the regulations are designed to encourage the development and opening of new businesses and recognize the unique circumstances that are peculiar to the downtown area

WHEREAS, the Planning and Economic Development Director proposes changes to the Code that include adding the definition of a Yard Sale or Garage Sale; and

WHEREAS, adding Craft Distillery and Microbrewery Establishments as a permitted use in the C2 (Central Business District) and C2A (Riverfront Development District); and

WHEREAS, Removing Nano or Microbrewery With Or Without Associated Pub from the conditional uses in a C2A (Riverfront Development District); and

WHEREAS, Adding Craft Distillery and Microbrewery Establishments as a conditional use in the BP (Business Park District) and I1 (Limited Industrial District); 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.

§230-4.A *Definitions* is hereby amended by adding language shown as underlined:

YARD SALE or 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 ~~or~~ AND used primarily for residential purposes. 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 four total days during any particular calendar year upon any real property.

Section 2.

§230-13B Permitted uses in the C-2 District is hereby amended by adding a new subsection to be referenced as (22):

(22) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 3.

§230-13.1. Permitted uses in a C2-A District is hereby amended by adding a new subsection to be referenced as (12):

(12) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 4.

§230-13.1. Conditional uses in a C2-A District is hereby amended by striking item (7) as shown in strikethrough:

C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

~~(7) Nano or microbrewery with or without associated pub.~~

Section 5.

§ 230-16. Conditional uses in an I-1 Limited Industrial District is hereby amended by adding a new subsection to be referenced as (4):

(4) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 6.

§ 230-19.1. Permitted uses in a BP Business Park District is hereby by removing language indicated by strikethrough:

(11) Beverage blending, bottling (all types), ~~but not distilling~~.

Section 7.

§ 230-19.1. Conditional uses in a BP Business Park District is hereby amended by adding a new subsection to be referenced as (6):

(6) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 8. Dates.

Planning Commission Review and Public Hearing: September 17, 2019

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

Motion carried.

Councilmember Peel moved to adopt the language regarding craft distilleries as described in Sections 2 through Section 7 of Ordinance 2019-31, related to C2, C2A, I1 and BP districts, seconded by Councilmember Culotta. Motion carried.

Ordinance 2019-32

Code of The City of Milford

Part I-Administrative Legislation

Chapter 57-Planning Commission

Add Compensation of Members

Mr. Pierce explained this is an amendment to Chapter 57 entitled Planning Commissioner, related to compensation of the Planning Commissioners, at \$50 per regular or special meeting attended, as was discussed during the budget hearings.

It was confirmed that the compensation is the same that City Council receives for meetings. Councilman Morrow recommends considering the compensation of the various boards and City Council at some point in the near future.

Mayor Campbell opened the floor to public comment. No one responded. The floor was closed.

Motion to adopt Ordinance 2019-32 amending Chapter 57 made by Councilmember Boyle, to allow each Planning Commissioner to be paid \$50 per regular or special meeting attended, and the reimbursement of actual expenses incurred in conjunction with their official duties, seconded by Councilmember James:

ORDINANCE 2019-32
CHAPTER 57-PLANNING COMMISSION

WHEREAS, in accordance with Title 22, Section 701 of the Delaware Code, the City of Milford established a Planning Commission; and

WHEREAS, the City Council of the City of Milford recognizes the valuable work and time commitment made by Planning Commission members and deems it necessary to provide compensation to the members in appreciation of their service to the community.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1:

§57-5-Salaries and Compensation is hereby amended by adding language shown as underlined and removing language shown in strikethrough:

All Each members of the Commission shall ~~serve without compensation~~ be paid \$50.00 per regular or special meeting s/he attends, ~~but~~ and may be reimbursed for actual expenses incurred in connection with their official duties.

Section 2: Dates.

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

Motion carried.

Ordinance 2019-33

Code of The City of Milford

Part II-General Legislation

*Chapter 230-Zoning
Article VII-Board of Adjustment
Add Compensation of Members*

Mr. Pierce explained this ordinance mirrors that of the previous ordinance relating to compensation of each member of the Board of Adjustment for regular or special meetings attended. It was reviewed by the Planning Commission who also recommended approval by unanimous vote.

It was noted that those members of the Board of Adjustment are chosen by their knowledge and background, which makes a vacancy often difficult to fill.

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

Councilmember Boyle moved to adopt Ordinance 2019-33, by inserting language in the Zoning Code to allow the members of the Board of Adjustment to be compensated, by \$50 per meeting or special meeting attended, and any associated expenses, seconded by Councilmember Peel:

**ORDINANCE 2019-33
CHAPTER 230-ZONING**

WHEREAS, in accordance with Title 22, Section 322 of the Delaware Code, the City of Milford established a Board of Adjustment; and

WHEREAS, the City Council of the City of Milford recognizes the valuable work and time commitment made by Board of Adjustment members and deems it necessary to provide compensation to the members in appreciation of their service to the community.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1:

A new Section 39 is hereby added to read as follows:

§230-39. - Salaries and Compensation.

Each member of the Board of Adjustment shall be paid \$50.00 per regular or special meeting s/he attends and may be reimbursed for actual expenses incurred in connection with their official duties.

Section 2: Dates.

Planning Commission Review and Public Hearing: September 17, 2019

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

Motion carried.

COMMUNICATION & CORRESPONDENCE

In regard to a number of complaints from residents about dark streets and what appears to be a lack of streetlights on our downtown streets, Acting City Manager Whitfield reported that Electric Superintendent Gallagher is working on a project to replace the high-pressure sodium lights with new LED lights. The plan is to start at the core part of the downtown and work outwards.

Mr. Whitfield encouraged Council to inform their constituents to contact public works. Depending on what is needed in terms of infrastructure, some are easy though can take more time and work. Regardless, the electric crews will try to accommodate any concerns received.

He confirmed that converting to LEDs will decrease the kilowatt usage by about one-third.

Councilman James brought up a concern about the lack of a streetlight at the end of Truitt Avenue Extended that ends at US Route 113 and the impact on safety in that area.

The Councilman also referenced to the earlier discussion about the need for a fire substation and asked about a police substation in the Brightway Commons area. He recalled this was an option approximately ten years ago when it was being discussed by residents and police officials at the time. That did not move forward at that time because of funding issues, though he assured his constituents that he would bring it before Council again. He did tell them that police officers have increased foot patrols in the Brightway area in an effort to get people off the streets. However, most of the people he spoke with preferred a more permanent type presence.

Chief Brown said he believes the area is what the Starlings are referring to and because he has increased foot patrol, it has made a big difference in crime throughout the summer. They used money from a grant to pay those officers overtime and were able to get even more money this year because it has been so successful in stopping criminal activity.

UNFINISHED BUSINESS

Appointment/Planning Commission Member

Planning Director Pierce recalled that a vacancy occurred the end of August and new applications have been received. There was also an effort to contact residents who had previously expressed an earlier interest. After reviewing Ward 1 or Ward 4 applications, in an effort to keep the commission's representation balanced, Michiah Grainger was recommended. Mr. Grainger is a very interested resident who lives in the Watergate Community and has been in Milford for about seven years according to Mr. Piece.

Based on Mayor Campbell's recommendation, Councilmember Boyle moved to confirm the appointment of Michiah Grainger, 6418 Tabard Drive, to fill the vacant position on the City Planning Commission, seconded by Councilmember Culotta. Motion carried.

Funding Authorization/FY 2018-19/Hook Public Relations Firm/Police Facility Promotion Funding Authorization/FY 2019-20/Hook Public Relations Firm/Police Facility Promotion

Acting City Manager Whitfield reported that earlier this year, City Council authorized the Hook Public Relations contract to allow them to promote the new police facility on behalf of the department. Unfortunately, there was no funding authorization at that time.

The contract now consists of two phases. The first phase was completed in the FY18-19 for \$4,300 and the second phase was recently approved by Mayor Campbell and Chief Brown this fiscal year (FY19-20) in the amount of \$7,000.

Councilman Boyle moved to authorize \$4,300 from general fund reserves, in the FY18-19 budget, for the Hook Associates contract for the purpose of promoting and marketing the new Milford Police Department, seconded by Councilmember Peel. Motion carried.

Councilman Boyle moved to authorize an additional \$7,000 to be paid from the current fiscal year's general fund reserves, for further campaign development of the new police facility, in the amount of \$7,000, seconded by Councilmember James. Motion carried.

NEW BUSINESS

Approval/FY19-20 Budget Update/Technical Services Overtime Correction

Mr. Whitfield informed Council that the Technical Services overtime was not transferred from the electric, water and sewer departments when those employees were moved to the new division. The anticipated overtime is \$9,000, which primarily covers the on-call time for after-hour meter turn-ons.

Councilmember Peel moved to amend the FY19-20 budget by increasing the Technical Services overtime line item to \$9,000, with funding from the electric division overtime line in the amount of \$4,500 and \$2,250 to be funded from the water division overtime line item and \$2,250 from the sewer operations overtime line item, to result in a net zero change to the overall budget, seconded by Councilmember James. Motion carried.

Approval/FY19-20 Budget Update/Election Account Correction

City Accountant/Customer Service Manager Suzannah Frederick then shared that when the final version of the current year's budget was printed, \$6,000 was inadvertently omitted from the general government, election salaries. She is requesting this be added back, with funding from the general tax levy. Based on collections to date, the income from Property Tax will exceed the projected line item.

Councilmember James moved to amend the FY19-20 City Budget by increasing the General Government Election Salaries line by \$6,000, to be offset by increasing the General Fund Property Tax/Current Levy by \$6,000, seconded by Councilmember Wilson. Motion carried.

Adoption/Ordinance 2019-34/Part I-Administrative Legislation/Chapter 55-Personnel

Acting City Manager Whitfield recalled the repeal and replacement of Chapter 55, Personnel Code, accomplished through two ordinances, one in 2018 and the second in 2019. During recent staff meetings, City department heads and the Human Resources Manager have reviewed the chapter and are recommending some additional housekeeping items and updates.

Proposed changes to Chapter 55 involve police dispatch shift differential and holiday pay/sellback, to align with the Teamsters' contract for Milford Police Officers.

Mr. Whitfield explained the last item involve the use of vehicles by City employees.

Human Resources Manager Jamesha Eaddy was present and referenced the memorandum outlining the proposed changes to Chapter 55, in relation to provisions that already apply, though they were never written into the ordinance. This ensures that all policies are documented and can be easily located.

Councilman James asked if the provision allowing the City Manager to authorize a vehicle allowance for mid management employees and above, is already in place; Ms. Eaddy responded by stating that only three vehicles are authorized a vehicle allowance. They include the City Manager, Public Works Director and the City Engineer who receive a \$200 monthly allowance. Without this change, he is unable to authorize another employee, such as the Planning Director, who uses his vehicle often.

Councilman James asked if a study has been done to determine if a vehicle allowance is more feasible than mileage reimbursement or purchasing another City vehicle. Ms. Eaddy explained this will allow the option to assess all three levels though right now only City vehicles are being used. For example, Finance has a vehicle that is used very infrequently. In order to reduce costs with purchasing new vehicles, they would like to have this option to consider. A comparison would be needed of the \$200 allowance versus the travel allowance of 58 cent a mile or costs of a City vehicle.

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

Councilman Boyle moved to adopt Ordinance 2019-34, as presented, seconded by Councilmember James:

ORDINANCE 2019-34
CODE OF THE CITY OF MILFORD PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55-PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees; and

WHEREAS, the Chapter is intended to inform employees with important information about the City's rules, policies, practices, and procedures, as well as educated them on their own privileges and responsibilities; and
 WHEREAS, the Overtime Compensation provision does not include police dispatchers shift differential; and
 WHEREAS, the Holiday provisions does not include full time police dispatchers holiday pay; and WHEREAS, the Vehicle Use/Insurability provision included reimbursement at the current mileage rate for employees using their personal vehicle for City related business; and
 WHEREAS, the Vehicle Use/Insurability provision Did not include employee's responsibility for tolls, traffic violations, fines and fees when using a City owned vehicle; and
 WHEREAS, the Travel on Official City Business provision requires approval for travel on City-related business from the employee's supervisor instead of the Appointing Authority; and
 WHEREAS, the Travel on Official City Business provision allowed reimbursement at the current mileage rate for employees using their personal vehicle for City related travel instead of the City reimbursing the employee for either the cost of airfare or mileage, whichever is less; and
 WHEREAS, the Travel on Official City Business provision does not include the City Manager authorizing a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 6 - CLASSIFICATION, PERFORMANCE EVALUATION, AND COMPENSATION

- OVERTIME COMPENSATION
- ELIGIBILITY:

All FLSA non-exempt employees shall be eligible for overtime compensation. (*NOTE: There are special rules for police officers, please refer to the FLSA Special 7[k] Work Periods rules.)

- SCHEDULING:

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime scheduling in all departments must be approved by the Department Director, Superintendent or supervisor prior to overtime work, except in the case of an emergency.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

- OVERTIME PAY:

FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. The work week starts at 7:00 a.m. Sunday and ends at 6:59 a.m. the following Sunday. Hours worked in excess of forty (40) hours in the work week, for regular non-exempt employees or 80 hours in a pay period for non-exempt police officers, will be paid at overtime rate. Vacation leave, bereavement, and paid holidays will be considered hours worked for purposes of performing overtime calculations, unless otherwise specified in a collective bargaining agreement. Hours worked by regular full-time employees on a holiday, which has been approved by City Council as an observed City holiday, shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee. When a holiday occurs on a Saturday or Sunday the holiday will be observed and paid on Friday or Monday (in accordance with the section of this manual regarding pay periods). An employee shall receive only one paid holiday per holiday.

6.6.D. SHIFT DIFFERENTIAL-POLICE DISPATCHERS:

The amount of shift differential pay shall be calculated for each hour actually worked between 7:00 p.m. and 7:00 a.m. at the rate of \$1.00 per hour. Shift differential shall not become part of base pay and shall be paid bi-weekly.

Section 2. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 7 - EMPLOYEE BENEFITS

7.3 HOLIDAY

The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the Milford City Council each calendar year. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work or be on approved leave the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave, etc.), holiday pay will be provided instead of the time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday.

The City will provide to employees a list of holidays each year after approval of the City Milford Council.

When a holiday falls on a Saturday, the preceding Friday will be the observed holiday. When a holiday falls on a Sunday, the following Monday will be the observed holiday.

If an employee is absent from work the day before or after a holiday, holiday pay will not be provided until proof of sickness or excusable absence is established to the satisfaction of the Department Director.

7.3.A. HOLIDAY-FULL-TIME POLICE DISPATCHERS:

All banked, accrued holiday pay will be considered vested. Banked, accrued holiday pay may be used for vacation, extended medical leave/FMLA or when sick leave balance is exhausted. Employees working a holiday will be paid holiday pay in the pay period that the holiday falls. A police dispatcher may request to accrue his/her holiday pay to be used as vacation hours. New accrued holiday hours not used by December 15 shall be paid in the last pay period before December 31 at the police dispatcher's effective hourly rate in effect on the date of payment. Employees not on duty on a holiday, shall be paid for that day and will not accrue an alternative day off. An employee who is assigned to work on a holiday and fails to report and perform such work for any reason other than a reason covered by an approved leave, shall not receive pay for the holiday.

7.3.B. HOLIDAY SELL BACK-FULL-TIME POLICE DISPATCHERS:

Employees may elect to sell back up to 80 hours of holiday accrual hours during each fiscal year from the old holiday bank. Payment for holidays sold back will be made on the last pay date in July. To sell back holiday time, the employee must complete a City of Milford application for leave form, designed for holiday sell back, and submit this form to the Chief of Police office prior to April 1 of each year.

Section 3. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 12 - SAFETY AND HEALTH

12.3 VEHICLE USE / INSURABILITY

City of Milford employees are constantly in the public eye and those who drive a vehicle in the performance of their duties are representing the City. Employees are not only responsible for their own safety and security, but the safety and security of residents and visitors to the City. As a result, employees are required to exercise the utmost care and caution while operating a motor vehicle and other vehicle, tools and equipment on City business. Employees who operate City owned vehicles or personally owned vehicles while performing City business are required to abide by all applicable State laws in addition to the following rules and regulations.

City owned or leased vehicles are to be used for the following purposes:

- a. Transportation to conduct official City business during the normal working day.
- b. Transportation to conduct official City business before and/or after the normal business day.
- c. Transportation between the employee's principal work location and the employee's residence in order to facilitate quick response by those authorized and assigned to drive take home City vehicles by the respective Appointing Authority.
- d. Transportation to conventions, conferences, meetings and training programs. ~~If using a personal vehicle for approved City business when no City vehicle is available employees will receive the current mileage reimbursement at the mileage rate as determined by the Internal Revenue Service.~~
- e. Rental Cars may be used for both in-state and out-of-state travel, if authorized by the respective Department Director or Appointing Authority.

Use of City vehicles for day-to-day operations must be approved by the Department Director / Superintendent / supervisor. Assignment of a City vehicle to an individual for a continuous, regular or indefinite period must be approved by the Appointing Authority (~~please refer to the Use of Equipment and Vehicles Policy~~).

Employee Responsibilities: Those driving vehicles in the course of their employment:

- a. Must have a valid license for the type of vehicle being driven and must obey all traffic laws.
- b. Must provide a copy of their driver's license to their Appointing Authority when hired in order to verify that the driver's license is valid.
- c. Will have their driver's license reviewed at least annually to verify validity.
- d. Are responsible for ensuring a current, valid copy of their license is on record with the City.

Any employee who is required to operate a City owned or private vehicle to perform City business must immediately report any license suspension, revocation or serious violation to his/her supervisor, ideally within 24 hours of the action. An employee must immediately report to the Department Director any motor vehicle violations while performing City business, including parking, toll, and traffic violations incurred while utilizing a City vehicle before the end of the work day in which the violations occur. The employee will be responsible for all fines and fees associated with the violation. The supervisor will notify the Appointing Authority of any suspensions, revocations and violations that affect the employee's ability to drive. Any license suspension, revocation or serious violation not reported immediately to the supervisor will be subject to disciplinary action up to and including termination.

If operating a vehicle to perform City business, employees are required to be insurable through the City's insurance carrier.

Employees must wear a seat belt at all times when operating or riding in a City vehicle.

City vehicles and/or fuel shall not be used for personal use. Only City employees may operate City vehicles. No employee under the age of eighteen (18) is allowed to operate a City vehicle.

Employees are prohibited from transporting passengers except: 1) other City employees; or 2) individuals conducting business with or on behalf of the City.

Personal vehicles shall not be used to pull trailers or haul equipment while being used in City related business.

Employees are prohibited from making any modifications, alterations or additions to any City vehicle or equipment without the prior express approval of his/her supervisor.

Section 4. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 13 - ADMINISTRATION

13.1 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever an employee travels for City-related business (training, meeting, seminar, conference, etc.) the employee must obtain prior authorization from ~~their supervisor~~, the Appointing Authority, including authorization of budget

expenditures for the estimated cost of the travel. Meal and Incident Expense (M&IE) Per Diem Rates (www.gsa.gov/perdiem) and Mileage Reimbursement Rates (www.gsa.gov/mileage) should be confirmed with the Finance Department by contacting the Accounts Payable ~~Administrator~~ Coordinator with the details which should include the date(s), location(s) of the travel and any services that will be included in any registration fees before processing a purchase order for the employee's M&IE and/or mileage reimbursement.

The City encourages the use of any authorized available City vehicle, especially for local travel; ~~however, if the employee has been approved to use their privately owned vehicle, they can request mileage reimbursement for the actual miles (round trip) between locations.~~ If a City-owned vehicle is not available, employees may use their privately-owned vehicle. An employee shall be reimbursed at the current Internal Revenue Service mileage reimbursement rate along with tolls and parking fees, if any. To receive reimbursement, the request must be submitted within seven (7) working days from the date of travel.

If an employee elects to drive a personal vehicle to an out-of-state conference, training or meeting, the City will compare the cost of airfare and driving and will reimburse the least expensive method of travel.

If more than one employee is traveling to the same event, the City encourages the sharing of vehicles to conserve fuel and City funds. When two or more employees travel together in a privately-owned vehicle, only one mileage reimbursement will be approved.

The City Manager may authorize a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.

When employees are booking hotel reservations, they should obtain the lowest rate possible. Some conferences have discounted blocks of rooms reserved and most hotels offer a government rate which may be lower than an advertised rate. After obtaining the hotel rates, the employee must obtain approval from their supervisor of the hotel expense prior to the final booking of the hotel reservation.

Employees must acquire receipts for any expenses (hotel, parking, gas, rental car, taxi, tolls, etc.), which are being charged directly to the City or those which will be submitted for reimbursement to the employee and that are not included in the M&IE allowance. The receipts with an itemized expense sheet should be turned in to the employee's supervisor immediately upon the employee's return to work. The supervisor, after the review and approval of the receipts, should complete a purchase order for any reimbursement due to the employee or for any expenses that had not previously been processed through the purchase order system. The supervisor should then submit the signed approved receipts to the Accounts Payable ~~Administrator~~ Coordinator to be processed for payment with the next payment cycle.

Employees receiving an M&IE allowance adhere to GSA and IRS regulations regarding covered incidental expenses. Accordingly, the following expenses will not be reimbursed by the City except under extraordinary circumstances and with approval of the Appointing Authority:

- All meals,
- Room service,
- Laundry, dry cleaning and pressing of clothing, and
- Fees and tips for persons who provide services, such as food servers and luggage handlers.

Employees travelling to conferences, training or other events that include meals which meet the employee's nutritional requirements for some or all days, should reduce the per diem accordingly based on the breakdown on the GSA website. In addition, the first and last days of travel are at a reduced M&IE rate. Please note that amount on the GSA website and on travel request forms.

Section 5: Dates.

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

Motion carried.

Waiver/Sewer Extension Requirement/Chapter 200-Subdivision Code/Mispillion Landing

Planning Director Pierce explained this involves a revised Preliminary Site Plan, east of Rehoboth Boulevard on Northeast Front Street, behind the Chaney Shopping Center. The applicant had proposed 102 apartment units in the preliminary site plan reviewed by the Planning Commission on May 15, 2018. A year later, the Planning Commission granted a 12-month extension of the approval on May 14, 2019.

The preliminary site plan was subject to the findings of the Utility Feasibility Study prepared by the City Engineer in December 2017. The feasibility study required the applicant to extend the existing 12-inch gravity sanitary sewer main from the south to the north, across the frontage of their property along Northeast Front Street. The property owner is requesting a waiver from that requirement, as is allowed by Section 200-6 entitled Variances and Waivers.

Mr. Pierce provided the following information:

Section 200-5(H)(1)(i) states “all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.” Section 230-52, entitled Review Procedure for Site Plans, states that “the final site plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City.”

The extension of the sanitary sewer main is a requirement of the subdivision regulations for the City.

Section 200-6 states “applicants may request, at the time of application submission, the varying or waiving of the requirements of Chapter 200, and the Planning Commission may, at its own discretion, recommend to City Council the varying or waiving of said requirements, and request conditions that substantially secure the objectives of the requirements so waived.

In 2009, the City designed and replaced the 12” gravity sewer interceptor along Northeast Front Street from Brady Drive, to the front of the applicant’s property, essentially lowering the invert of the connection manhole from 7.07 feet to 5.34 feet. The City paid to replace the gravity line beginning just east of Milford Police Department, up and across Rehoboth Boulevard, lowering the line, thus allowing the applicant’s property to be served by gravity and eliminated the need for a new sanitary sewer pumping station for the Mispillion Landing project.

As a result, it is recommended the City require the extension of the 12” gravity sewer main across the property, as required by the City Subdivision Chapter, to preserve previous public investments and to maximize the sanitary sewer drainage basin along the Northeast Front Street corridor.

The Planning Commission reviewed the materials at the August 2019 meeting and recommended denial of the waiver request by a unanimous 6-0 vote of those present.

Mr. Pierce confirmed the members opinion was it did not meet the standards of Section 200-6, in relation to variances and waivers. He reiterated the staff’s opinion to preserve public investments with the lowering of the gravity line and extending it across the front of the applicant’s property to allow future development, east of this property to connect without disturbing any improvements at the apartment complex. If not required now, and it would need to be tied into at a later date, that developer/builder would then need to come across the entire frontage of the apartment complex with a significant sewer line improvement.

He pointed out it is normal to require a development to extend the sewer line through the property to aid future development areas and prevent later major disturbances within the existing development.

Solicitor Rutt then explained that procedurally, the applicant had preliminary site plan approval, which included the sewer line by the Planning Commission. Now they are asking for a revision to the site plan, by eliminating the sewer line across the frontage.

Mr. Pierce then added that the utility feasibility study was developed at the end of 2018. The applicant came through in May for their preliminary site plan which included the improvement, as was requested by the City Engineer. An extension was granted in May 2019 and since that time, a waiver was filed.

He also noted that several years ago, a site plan was approved, that did not require the sewer line improvement, though it expired after one year as a result of dormant construction activity.

Mr. Pierce then read the Planning Commission minutes that stated the Commissioners denied the request because the gravity main was required across the property by the City code, and that the request did not meet the hardship stipulations of Section 200-6.

When asked for an opinion, Acting City Manager Whitfield stated that as Mr. Pierce pointed out, the City had invested funding to accommodate this property initially. The ordinance is clear that the line must be extended to the edge of the property to serve any future development. He agrees the line should be installed, as were presented in the original plans.

Applicant representative Ring Lardner provided the following statement:

Good Evening, Mayor and Council. My name is Ring Lardner, a Principal and Professional Engineer with the firm Davis, Bowen & Friedel, Inc. With me this evening is Mr. Michael Simeone, one of the managing members of the ownership group and the developer.

As Mr. Pierce has mentioned, the Planning Commission reviewed our request on August 20, 2019 and did recommend a denial of the waiver. He will argue why he feels they erred and provide reasons for the denial.

As previously discussed, there is a history to this project that goes back to 2009. At the time, a pump station force main was required to serve this project. As part of the City's sewer improvements, one option was to lower the gravity sewer line. Though that eliminated the requirement for a pump station force main, it also reduced the City's perpetual maintenance costs associated with a pump station and force main.

In addition, the impact fee this property will pay will more than offset the costs of that improvement, including the lowering of the line by a couple feet. Furthermore, the line that was extended also has another stub of twelve inches continuing to the east to serve other future properties, should that ever be developed.

In exchange, there is an eight-inch connection provided to this property. The property also provided an easement to the contractor doing that work and laid out an area for that work to be done. This is also part of the compensation from the developer for the sewer main.

This property did have a site plan approval back in 2012 that did lapse due to the economic market at the time. He would be hard pressed to ask for seven extensions, which is the reason it was allowed to expire.

An application was submitted and the only change since 2012, includes a revision in the Code regarding sections of Chapter 185, entitled Utility Feasibility Study and Aid-in-Construction, that required the utility feasibility study. The study did identify the requirement to extend the twelve-inch sewer main be added and was agreed to, even though that does not mean all members of the LLC were aware of that requirement.

It was included it on the preliminary plan and subsequent construction documents in April 2018 and approved in May 2019. Comments were received in January 2019 at which time Mr. Simeone asked why the sewer extension was needed. Mr. Simeone reminded the design team that the plan did not require the pump station and that a ten-inch stub was provided to the east.

One of our arguments is why Mispillion Landing is required to extend a sewer that is not required to serve this project in anyway though the code says to extend it only for the purpose of benefiting any future development.

We argue that Chapter 185 should be invoked as this line serves future development, who should equally contribute as it will benefit their property values.

Another recent project was required to extend sewer to serve a larger basin and they were permitted to apply Chapter 185 in that situation.

They are arguing that Chapter 185 says if a future development should come to the table and either pay up now, or the City could require them to contribute to that cost and work it out from an EDU standpoint.

According to Section 9 of Chapter 200, City Council can waive certain requirements of this Chapter. We have reviewed the findings of the Planning Commission and believe their reasoning is flawed for the following reasons:

- 1) If the sewer main is not extended, it will not cause extraordinary and unnecessary hardship to the City. It will cause a hardship to future development and is part of their price for developing in the future. The citizens and visitors of Milford will be impacted if the sewer is extended is requested. The developer will need to dig up portions of the street to remove an existing alignment, re-core a manhole and re-install new installation. They will be disturbing Front Street to make the connection for future use, which may or may never happen. The larger pipes may or may not be needed because currently there are no known plans to develop the Hitchens Properties, the Tire Center at the end of the street, Wilkinson Property, Atlantic Concrete Properties, Warfel Properties, Sharp Property, Perdue Farms or the McColley Properties. This is a list of all properties to the east that have no known plans of development or expansion.
- 2) The waiver is not detrimental to public health, safety or general welfare. The extension is being requested just in case properties to the east are developed. We have ample frontage and easements that will have minimal or no impact on the 102 units being requested.
- 3) The waiver does not nullify the intent and purpose of the Official Map, Chapter 230 Zoning, the development plan or this chapter. The waiver will extend a sewer that does not need to be extended to serve this project. The sewer connection point is existing and has sufficient capacity to serve probable future development.

It is for these reasons that we believe the request to extend sewer is not in keeping with Section 8 of Chapter 200 and should fall under Chapter 185 that talks about future development and expansions.

We thank you for your time and can answer any questions that you may have.

It was confirmed the argument is being made from the City standpoint, that this is not in the spirit of the language. However, the developer is saying that would be an unnecessary cost burden on the developer that will not have any benefit to his community and only benefits future developer. Therefore, they should assume those costs, if and when that is ever developed.

Councilman Culotta said he agrees with the developer and that the City should be ok with this. Unless the City wants to install the extension at the City's cost for future growth, would he be willing to consider this. He does not want to add an unnecessary burden on the developer who already has spent plenty of money developing this land just because of the existing language in the code.

Councilman Boyle said he completely disagrees. He is going to side with the City Engineer and the Planning Commission's recommendation. He feels that because we don't know of anything that may be occurring right now, does not mean something will not be built in the future. He also noted that things have changed in the past ten years which is when it was originally designed and then went dormant. The City is moving forward and has installed a new sewer line from the west side of Rehoboth Boulevard along Front Street, anticipating growth. He believes growth will happen and there is sufficient property by the new intersection of the Route 1 flyover, that has the potential to develop industrially, and did not exist previously.

He also pointed out that near this project, there is land that will be developed, including the marina, where future commercial and residential development will materialize.

He opposes any action to grant a waiver.

Councilman James fully accepts what has been presented, which makes sense. What he wrestles with is making an exception to the code based on what was presented. In his opinion, it has not been demonstrated that this will create a hardship. It was known and agreed to in the past, and is what the City code requires. This body can choose to change the code or ignore the requirement. There have been similar concerns with other areas of the code he sometimes disagrees on, but it is the code and the way it is written today.

Mr. Lardner argued that the code states that all water shall be looped, and all sewer and stormwater shall be extended at a minimum slope. He believes that is very vague and feels anyone could be asked to extend all types of utilities. In this case, they are not extending anything though he would understand if the sewer had to be extended through their property and to the south for backflow purposes. But to extend the system for no other purpose makes no sense to him. To him that does not comply with the spirit of what the code is trying to say in this situation.

Councilmember Peel then stated that the issue at hand is that the City has made some investments and this could be disruptive. Acting City Manager Whitfield verified the City made a substantial investment in order to serve this property with a gravity sewer line, which eliminated the need for a pump station. The property owner has already benefitted from an investment the City made. Part of the City's purpose for the investment, was for future growth down the Front Street corridor. Anytime any property is developed along Front Street, the City would expect that developer to extend the sewer beyond their property to the next adjacent property for continuation purposes.

Mr. Whitfield said that has been the code and the way the City has operated in the past to ensure infrastructure is in place for the next property to connect.

It was confirmed that though this development is not benefitting for this extension, this property has already benefited from prior investments paid for by the City.

Mr. Lardner emphasized that impact fees will help recoup some of that money. In this case, the provision in the code in Chapter 200-8 has not changed. In 2012, they were not asked to extend the sewer any further even though there was a different Public Works Director and City Planner at the time. Half of Council was here when this went through though he still does not understand the logic of stopping at this point.

He said if that is the case, this project should have been asked to extend the sewer seven years ago or the City should have extended it that much further.

Solicitor Rutt pointed out the time lapsed and there was a need to reapply, and asked the date; Mr. Lardner said in 2017.

The Solicitor then pointed out that Section 200-9 clearly states that applicants may request at the time of their application submission, the varying or waiving of requirements of Chapter 200. Mr. Lardner agreed and said they could rescind the current application and restart the whole process and be here again in four months. Restarting the whole project is not something the applicants want. However, he has several choices based on the outcome tonight. If the waiver is denied, he can choose not to proceed with the project, do the project and pass the additional costs on to the tenants, or he can take a smaller profit on the project, or restart the process all over again, go back to the utility feasibility study, though Mr. Lardner feels that would be a waste of everyone's time.

Councilmember Boyle then referenced Solicitor Rutt's point that this was the governing ordinance at the time of submission and he sees no justification to do something different. Unfortunately, these are the kind of sins in the past that this Council is forced to live with today; Councilmember Peel agreed.

Councilman Culotta disagreed stating that a project and a development has a lot of moving part and sometimes things are missed and other things have to be considered by the developer after the fact. Though Council always has the right to say the code states this and that is fair. In this case, even though the City already made an investment, the developer is always required to pay impact fees which are extremely expensive and the City will eventually recoup the money. He sides with the developer because this will not benefit them and agrees that the next developer should be the one to assume those future costs.

Councilman Boyle repeated the concern that the next developer will have to tie in and cross this property.

Councilman James feels we cannot ignore the code though there are a lot of areas in the code he would like to ignore for a number of reasons. But the fact is, that is a slippery slope.

Councilmember Wilson feels there is a hiccup in the code and in this case, she agrees with Councilman Culotta. She is unsure why this developer is responsible for future development. Councilmember Boyle pointed out that is why the City initially installed the line at the City's costs.

It was again confirmed that the City installed the twelve-inch line up to their property line; Acting City Manager Whitfield concurred. Councilmember Boyle stressed that the line is at their property line and the City is asking them to tie into something that already exists at their property. Their engineering drawings have it coming across the front, which is a decision they made during the design. He asked who will pay for the next developer, then the following developer, and so forth, that need to connect to the line; now the new property owner will have to pay to have it brought across their property.

Another consideration Solicitor Rutt noted is if the line is not extended across the front of their property, and the next owner wants to connect, they will be required to acquire an easement or a condemnation will be required so the line can be built.

Solicitor Rutt referenced Section 200-9, that states: City Council may vary or weigh such requirement provided that such variance or waiver, shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the official map.

He stressed that is what Council needs to address.

Councilman Culotta agreed saying everyone is saying the code says...., but from what Mr. Rutt read there is no detriment to public welfare in his opinion.

Councilman Boyle pointed out that the code is written for the City and the residents' long-term welfare, meaning the line needs to be installed so that future developments can connect. The City has already invested a substantial amount of money in preparation for future developments down Front Street who will be able to connect to a twelve-inch main. If this is not done, the costs are being pushed onto future developers.

Councilmember Culotta commented they do not have to do the project or they can pass the cost onto the buyers.

Councilmember Peel pointed out that to Councilman Culotta's argument, if the City is encouraging investment and a business-friendly environment, this will discourage future investment knowing that someone will need to come in later to foot the additional bill. Councilmember Culotta said if the next person wants to develop that piece of property, that will be a consideration.

Mr. Lardner pointed out the developer has no way to recoup the money though the City has the ability through impact fees. This developer will never see a dollar back for this investment.

Councilmember James agrees noting that is true for every developer because the code applies to every developer. What the code does not address is who will pay. If Council allows this to be passed onto the next developer, and disagrees with the Code, then the Code must be changed. Right now, that cannot be done because those costs would then be passed onto every developer in the future. In his opinion, that is not what the City wants.

Mr. Rutt then referenced Section 230-58, entitled amendments:

(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. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or

recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

He believes there are a couple procedural problems. First, this is not a public hearing. That would be required and have to be properly noticed and citizens would have the right to be heard. The Planning Commission has already recommended denial and to reverse that, would require a vote of least six Councilmembers to reverse that recommendation.

Mr. Lardner then argued that this does not fall under the Zoning Code and that the subdivision code contains the requirement that states the waiver can be requested. Mr. Rutt emphasized that should have been requested at the time of the application. If it had been, it would have been addressed during the preliminary site plan review before the Planning Commission.

The Solicitor clarified that a vote would be required to rescind the grant of preliminary approval and then vote to accept the amended preliminary approval.

When Mr. Lardner pointed out that would fall under the Planning Commission's jurisdiction, Mr. Rutt referenced Section 200-4 again, which includes City Council granting preliminary approval.

Mr. Pierce maintained this would not be subject to the subdivision code, other than they are requesting a waiver of the requirement. The original preliminary approval was just a by-right site plan reviewed by the Planning Commission. It would never have come before this body except they are now asking for a waiver from the subdivision code requirements.

Mr. Lardner added that the development requirements are within Chapter 200, but the site plan requirement are under Chapter 230, Procedure Requirements.

Councilman Boyle then moved to deny the request for a waiver to extend the twelve-inch gravity sewer main across the property as is required by Chapter 200, seconded by Councilman Marabello. Motion carried by the following 6-2 vote:

Marabello-yes
Boyle-yes
Peel-yes
Culotta-no
Brooks-yes
Morrow-yes
James-yes
Wilson-no

Introduction/Ordinance 2019-35/New Chapter 90/Business License

Ordinance 2019-35 was introduced by Mayor Campbell.

Planning Director Pierce reminded Council this was initially discussed by the Police Committee, followed by a review of the Community and Economic Development Committee. All comments have been addressed in the draft ordinance is in the packet.

This will be on the agenda for public comment, along with an updated fee schedule for review by City Council at the October 14th meeting.

ADJOURNMENT

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

The Council Meeting adjourned at 9:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford



PROCLAMATION 2019-16 DYSAUTONOMIA AWARENESS MONTH

- WHEREAS,** Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;
- WHEREAS,** Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;
- WHEREAS,** Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;
- WHEREAS,** Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;
- WHEREAS,** Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;
- WHEREAS,** Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;
- WHEREAS,** Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;
- WHEREAS,** We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

NOW, THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of October 2019, as Dysautonomia Awareness Month in the City of Milford.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 14th day of October 2019.

Mayor Arthur Campbell

Attest:

City Clerk Teresa K. Hudson

City of Milford



PROCLAMATION 2019-19 CUSTOMER SERVICE WEEK

WHEREAS, National Customer Service Week was first championed by the International Customer Service Association in 1984, proclaimed a National Event by Congress in 1992, and is now celebrated the first full week of October every year; and

WHEREAS, Customer Service Professionals work the front lines and are often the first to meet new customers and make a positive impact on behalf of the City; and

WHEREAS, Through the use of responsive policies and procedures and simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and

WHEREAS, Having the passion to guarantee Milford's customers have safe and reliable power, in addition to maintaining a positive attitude when facing adversity, are personal goals of every Customer Service Professional in the City of Milford; and

WHEREAS, We celebrate National Customer Service Week for two main purposes: To recognize the phenomenal job that our Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the City of Milford; and

WHEREAS, This year, we applaud the value of the friendly, face-to-face, personal service our Customer Service Professionals willingly provide to residents, property owners, businesses, and industries within our City by constantly looking for ways to assist and improve.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim the week beginning October 7th as CUSTOMER SERVICE WEEK in the City of Milford and commend our Customer Service Professionals, because the most successful, public utility-provided municipalities, are those that display a strong commitment to customer satisfaction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 16th day of October 2019.

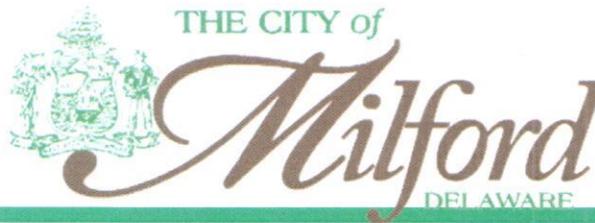
Mayor Arthur Campbell

Attest

City Clerk Teresa K. Hudson



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: October 3, 2019
RE: Activity Report/September 2019

Monthly Stats:

A total of 569 arrests were made by the Milford Police Department during September 2019. Of these arrests, 167 were for criminal offenses and 402 for traffic violations. Criminal offenses consisted of 54 felonies and 113 misdemeanors. Traffic violations consisted of 74 Special Duty Radar, 8 Drunk-Driving charges, 320 other.

Police officers investigated 62 accidents during the month and issued 117 written reprimands. In addition, they responded to 1419 various complaints including city requests and other agency assistance.

Monthly Activities:

Met with Hook PR at the police department on September 5, 2019, in reference to new police facility.

Met with the Mayor and the Hispanic Festival/Parade Organizers on September 5, 2019, to finalize arrangements for the festival.

Attended the Strategic Plan update meeting held at the Milford Police Department on September 6, 2019.

Had the honor of conducting the coin toss for the 2019 Pop Warner Football game held at the Milford High School Stadium on September 7, 2019.

Attended FCVC meeting held at Dover Police Department on September 10, 2019.

Attended SLEAF meeting held at Dover Police Department on September 10, 2019.

Met with DNREC and gave tour of the Police Department building on September 11, 2019. DNREC has possible interest in purchasing the building in the future.

Attended the Police Chief's Golf Classic to help the Chiefs' Foundation with the event held at the Maple Dale Country Club on September 13, 2019.

Attended the Brandywine Counseling Board Meeting held in Wilmington, DE. on September 17, 2019.

Attended the Food Bank of Delaware Open House held at the Milford location on September 17, 2019

Met with Becker Morgan for a Plan Review at the Police Department on September 25, 2019.

Attended Law Enforcement Mental Health/Wellness Training hosted by the Police Department at the Public Works Conference Room on September 26, 2019.

Attended the Milford Senior Center Personnel Committee meeting held at the Milford Senior Center on September 26, 2019.

Attended a conference call with the City Manager and Bill Bowser in reference to Union issues in the City Hall Conference Room on September 27, 2019.

Met with Jason Crouch in reference to the Milford Senior Center Personnel Committee at the Police Department on September 30, 2019.

Training –

One officer attended Child Abuse & Exploitation training in Wilmington, DE. on September 16, 2019 – September 20, 2019.

SRO –

Sgt. Masten, S/Cpl. Bloodsworth, and Pfc. Stanton all attended the annual Riverwalk Freedom Festival. Staff from Lights On Milford also set up with them and spoke to numerous attendees about their successful program.

Sgt. Masten assisted Milford Senior High School staff with Intruder and Evacuation drills that are mandated each year by the Department of Homeland Security.

Pfc. Stanton attended a September 11th Memorial event and Festival Hispano, both in Georgetown.

S/Cpl. Bloodsworth conducted an Intruder Training at Lulu Ross for the staff there.

S/Cpl. Bloodsworth hosted a Safety Day for the students at Lulu Ross with the assistance of other MPD officers, Delaware Department of Natural Resources Police, and the Delaware Division of Alcohol and Tobacco Enforcement.

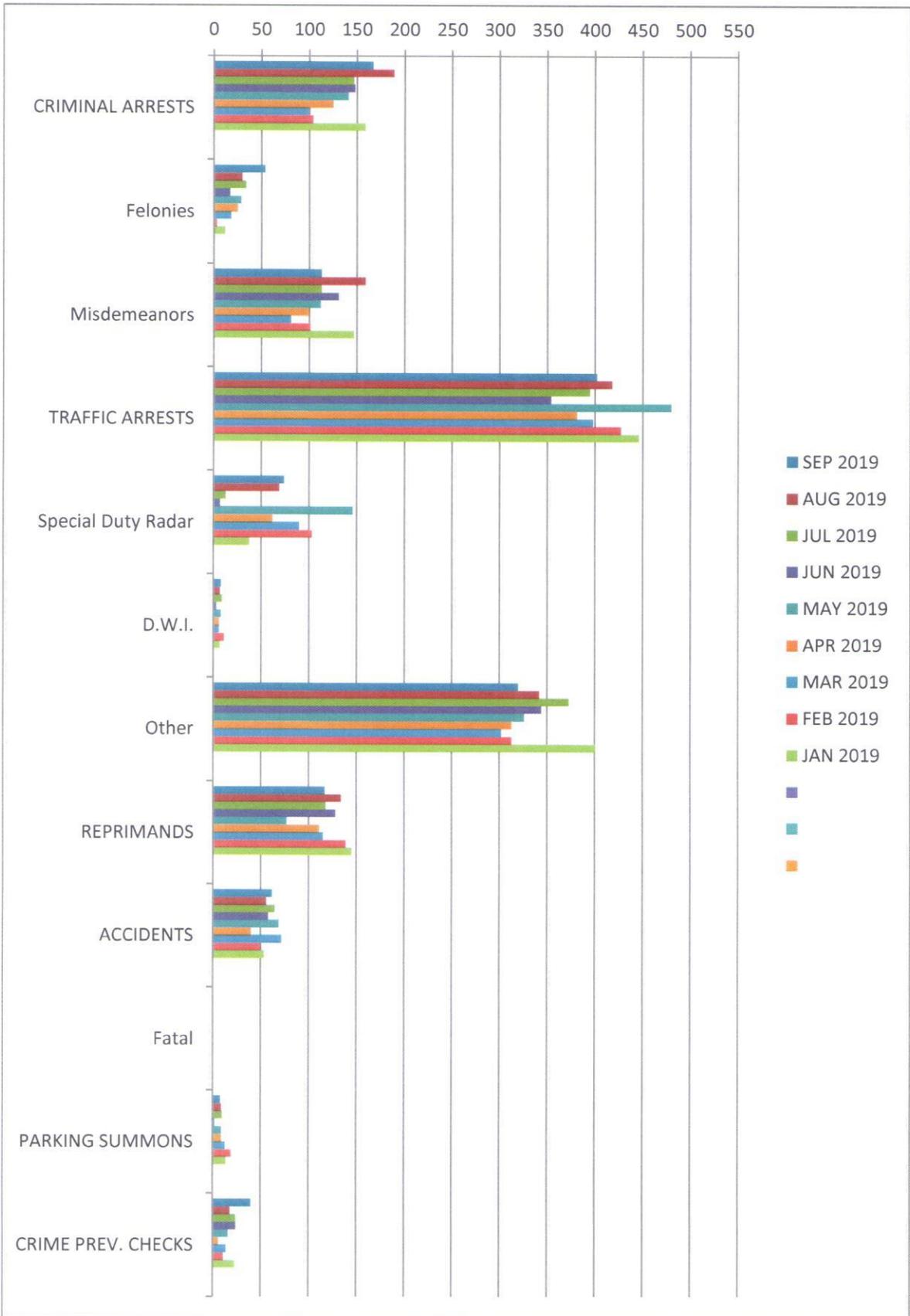
S/Cpl. Bloodsworth assisted staff at Mispillion Elementary with the first of their annual Intruder drills.

K9 Unit –

There are no stats for the Milford K-9 Unit for the month of September 2019 as the K9 Officer has been out on FMLA.

SEP 2019 ACTIVITY REPORT

	SEP 2019	TOTAL 2019	SEP 2018	TOTAL 2018
COMPLAINTS	1419	11322	1190	11177
CRIMINAL ARRESTS	167	1279	182	1344
Felonies	54	222	36	258
Misdemeanors	113	1057	146	1084
TRAFFIC ARRESTS	402	3701	223	3618
Special Duty Radar	74	602	45	1287
D.W.I.	8	65	8	71
Other	320	3034	170	2260
REPRIMANDS	117	1084	80	834
ACCIDENTS	62	526	57	514
Fatal	0	0	0	1
PARKING SUMMONS	8	93	18	149
CRIME PREV. CHECKS	40	176	18	212
FINES RECEIVED	\$8,004.52	\$ 73,355.44	\$8,697.15	\$ 75,206.20



City Manager's Monthly Update Report

Human Resources Office	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
Full Time Employees	109	121	109	121
Part Time/Seasonal Employees	6	5	6	5
Vacant Positions	4	4	4	4
Promotions	Unavailable	2	Unavailable	5
Information Technology Office	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
IT Assistance Offered	90	199	296	480
Finance Department	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
Utility Accounts Billed	No Information Provided			
Utility Payments Processed				
Parks & Recreation Department	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
Program Participants	132	205	1,432	496
Programs Offered	3	3	18	6
Special Events Assisted	1	1	4	2
Planning & Economic Development Department	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
<i>Building Inspections & Permitting</i>				
Residential Permits Issued	20	31	112	92
Residential Inspections Performed (By City Staff)	0	88	0	413
Residential Inspections Performed (By Outside Contractor)	0	0	0	0
Commercial Permits Issued	2	6	19	25
Commercial Inspections Performed (By City Staff)	0	9	0	23
Commercial Inspections Performed (By Outside Contractor)	0	0	0	0
<i>Code Enforcement & Licensing</i>				
Code Enforcement Cases Initiated	20	22	63	95
Code Enforcement Cases Closed	3	6	23	44
Rental Inspections Performed (By Outside Contractor)	64	31	167	330
Rental Inspections Performed (By Outside Contractor)	0	0	0	0
Contractor & Vendor Licenses Issued	16	14	67	58
Rental Licenses Issued	3	6	12	20
<i>Economic Development</i>				
Economic Development Incentive Applications Received	0	0	0	0
Downtown Development District Applications Received	0	0	54	4
-Private Investment	\$ -	\$ -	\$ 20,530,163.00	\$ 7,850,200.00
-State Investment	\$ -	\$ -	\$ 2,442,211.00	\$ 614,000.00
-Milford Waivers	\$ -	\$ -	\$ 215,741.94	\$ 9,128.20
<i>Planning & Zoning</i>				
Outside Contractor Utilized	0	0	0	0
Land Use Applications Received	3	8	7	15

City Manager's Monthly Update Report

Public Works Department	September 2018	September 2019	FY19 YTD (07/01/18-09/30/18)	FY20 YTD (07/01/19-09/30/19)
<i>Electric Division</i>				
Outages		7		24
Trouble Service Calls		9		39
After Hours Calls		12		35
Work Orders Completed		16		90
Poles Replaced		0		12
Trees Trimmed		2		11
<i>Engineering Division</i>				
Utility Locates Completed	0	243	0	761
<i>Operations Division</i>				
Fleet Work Orders Completed		35		122
Fuel Use-Diesel (Gallons)		4,039		9,358
Fuel Use-Gas (Gallons)		2,257		10,902
<i>Solid Waste & Facilities Division</i>				
Refuse Collected (Tons)	289	293	552	589
Recycle Collected (Tons)	68	67	129	133
Yard Waste Collected (Tons)	53	49	105	115
Leaves Collected (Tons)	0	0	0	0
Waste Diversion Rate (Percentage)			30	30
Bulk/Brush Collection Requests Completed	61	72	127	137
Containers Delivered	142	82	225	146
<i>Streets & Utilities Division</i>				
Trouble Service Calls		3		14
After Hours Calls		5		20
Work Orders Completed		6		10
Street Storm Drains Cleaned		10		42
Street Potholes Filled/Cold Patch		18		75
Street Potholes Filled/Spray Patch (Gallons)		1		11
Street Crack Sealant Used (Pounds)		0		120
Street Curbs Swept (Miles)		198		594
Street Deicing Salt Used (Tons)		0		0
Street Signs Installed/Replaced		6		37
Street Closures/Special Events		4		6
Water Hydrants Flushed		2		124
Fire Hydrants Installed/Replaced		0		2
Water Lines Repaired		2		7
Water Valves Exercised		6		6
Waste Water Lines Flushed (Feet)		43,000		106,394
Waste Water Lines Repaired		0		0
<i>Technical Services Division</i>				
After Hours Calls		12		28
Work Orders Completed		780		2,278
Meters Installed New-Electric		13		52
Meters Replaced-Electric		1		40
Meters Installed New-Water		8		45
Meters Replaced-Water		36		115
Meters Read				
Meters Re-Read				
<i>Water & Waste Water Facilities Division</i>				
Water Treated (Millions of Gallons)	81,707	88,311,000	765,734,200	762,097,400
Waste Water Transferred (Millions of Gallons)	81,524	76,500,000	706,901,000	702,509,000
Work Orders Completed		0		2
Pump Stations Cleaned		0		2
Projects				
	Planning Stage	Bid/PO Award	In Progress	Complete
<i>Electric</i>				
DEL1 Substation Testing	X			
DEL2 Relay Replacement	X			
DEL2 Substation Testing	X			
Air Break Switch				X
Traffic Signal Head Refurb-Church/Walnut/Washington	X			
GIS Mapping-Smart Metering			X	
Riverwalk Light Pole Powdercoat/Retrofit Phase II			X	
Line Reconductor-Wilber	X			

City Manager's Monthly Update Report

Public Works Department				
Projects (con't)				
	Planning Stage	Bid/PO Award	In Progress	Complete
Equipment Replacement-E-130, WH-001			X	
Vehicle Replacement-E-103, 106, 110, 115, 134, B-002			X	
<i>Water</i>				
Automated Blow-off Valves Installation				X
Tower Protection Upgrades-Caulk & Tenth	X			
Tower Altitude Valve-Caulk		X		
Tower Painting-Tenth			X	
Water Treatment Facility Controls Standardized	X			
Water Treatment Facility Lot Consolidation-Washington	X			
Water Treatment Facility Test Well-Tenth	X			
Water Treatment Monitoring & Process Control Upgrades (4&5)	X			
Valve & Hydrant Replacement/Improvements				
Water Lines-NE Front				
DNREC Water Allocation Permit	X			
Lead Service Line Replacement-Priority Level 1				
Lead Service Line Replacement-Priority Level 2				
Lead Service Line Replacement-Priority Level 3				
Equipment Purchase-Elec Msg Board				X
Vehicle Replacement-W-001, 004, 008, 010, 014, 015, 016			X	
<i>Waste Water</i>				
Inflow & Infiltration Investigation/Repair		X		
Pump Station Groundwater Investigation/Repair-Truitt		X		
Pump Station-Shawnee Acres				
Pump Station Hatch Replacement-N Shore	X			
Pump Station Grinder Pump Installation-Silicato	X			
Line Replacement-SE Second				
Equipment Purchase-Elec Msg Board				X
Equipment Purchase-Zoom Sewer Camera			X	
Vehicle Replacement-SE-002, 013			X	
<i>Solid Waste</i>				
Vehicle Replacement-SW-012	X			
<i>Streets</i>				
Street Repairs/Resurfacing-2018 (Mispillion)	X			
Street Repairs/Resurfacing-2019 (Fisher)	X			
Street Repairs/Resurfacing-2019 (Roosa)	X			
Street Repairs/Resurfacing-2019 (Masten)	X			
Street Repairs/Resurfacing-2019 (Plum)	X			
Street Repairs/Resurfacing-2019 (Marshall)	X			
Street Repairs/Resurfacing-2019 (SE Fifth)	X			
Street Repairs/Resurfacing-2019 (McColley)	X			
Street Repairs/Resurfacing-2020 (Third)				
Street Repairs/Resurfacing-2020 (Fourth)				
Street Repairs/Resurfacing-2020 (Fifth)				
Street Repairs/Resurfacing-2020 (North)				
Street Repairs/Resurfacing-2020 (Second)				
Street Repairs/Resurfacing-2020 (Mill)				
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)	X			
Curb and Sidewalks (West)	X			
Sidewalk Improvements (City-Wide)	X			
Sidewalk Improvements (Private Owner Financing)		X		
ADA Compliant Ramps Installed (City-Wide)				
Pedestrian Crossing/Landscaping (Walnut)	X			
Parking Lot Seal/Stripe (NE Front/Denney)				X
Drainage Improvement (Pennsylvania)	X			
Truck Turning Study		X		
Welcome Sign Relocation/Replacement (Rt 113)	X			
Equipment Replacement-S-006, 022, 030, 049, 050			X	
Vehicle Replacement-S-001, 004, 005, 009, 038			X	

City Manager's Monthly Update Report

Public Works Department				
Projects (con't)				
	Planning Stage	Bid/PO Award	In Progress	Complete
<i>Facilities</i>				
City Hall Exterior Doors Replacement (CIP)				X
City Hall Chambers Audio System Upgrade				X
City Hall Chambers Video System Installation (CIP)				
City Hall Security Monitoring System Replacement (CIP)				
City Hall IT HVAC Unit and UPS Battery Replacement (CIP)				X
Public Works Electric SCADA/Smart Metering Wall Monitor	X			
Public Works Breakroom/Locker Room Renovations				
Public Works HVAC Replacement				X
Public Works Warehouse Door Security	X			
Public Works Panic Alarms	X			
Public Works Garage Diagnostic Scanners				X
Public Works Fuel Pump Replacements				X
Public Works Mobil Truck Lifts	X			
City Wide LED Replacement		X		
Residential Subdivisons				
	Plan Review	In Progress - Utility Installation	In Progress - Utility Inspections	Complete
200 NW Front St/Bond	X			
Brookstone Trace	X	X	X	
Cypress Hall-Phase I				
Cypress Hall-Phase II	X			
Fork Landing Farm				
Hearthstone Manor I			X	
Hearthstone Manor II	X	X	X	
Hickory Glen	X			
Knights Crossing				
Lighthouse Estates			X	
Milford Ponds-Phase I	X	X	X	
Milford Ponds-Phase II	X			
Milford Ponds-Phase III	X		X	
Misphillion Landing				
Riverwalk Villas				
Simpson's Crossing	X			
Walnut Village			X	
Watergate	X	X	X	
West Shores at New Milford	X	X	X	
Wickersham				
Willows (fka Cascades)-Phase II				
Windward on the River	X			
Commercial Developments				
	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
10th St Medical Office	X			
Bayhealth Sussex Campus-Nemours	X	X		
Beach Babies	X			
DE Rural Water	X	X		
DNREC Mosquito Control				
DSWA-Transfer Station				
Gator & Associates				
Growmark FS				
Hickory Glen				
Kidz Ink				
Mavis Discount Tires				
Microtel	X			
Mid-Delaware Professional				
Milford Ponds-Clubhouse	X	X	X	
Milford Wellness Village				
Misphillion River Brewery				
Nutrien Ag (fka Crop Production Svcs)	X	X	X	
Surf & Turf Steakhouse				
Windward on the River	X			

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: August 2019

Cash Balance - General Fund Bank Balance	1,424,456
Cash Balance - Electric Fund Bank Balance	3,252,960
Cash Balance - Water Fund Bank Balance	215,168
Cash Balance - Sewer Fund Bank Balance	510,075
Cash Balance - Trash Fund Bank Balance	69,780

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	272,007	465,191	3,053,228	\$248,456
Deposits	193,492		116,871	
Interest Earned this Month	915	915	6,114	
Disbursements this Month			(60,250)	(\$12,604)
Investments				
Ending Cash Balance	\$466,414	\$466,106	\$3,115,963	\$235,852

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,960,161	10,476,438	4,444,218	10,596,322
Deposits	250,000	214,000	246,791	255,000
Interest Earned this Month	6,681	19,736	8,387	21,395
Disbursements this Month	(296,566)	(271,031)	(229,149)	(129,105)
Investments				
Ending Cash Balance	\$2,920,276	\$10,439,143	\$4,470,247	\$10,743,612

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	2,570,873	\$1,571,311	\$742,540
Deposits	39,879	\$21,073	\$9,600
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,610,752	\$1,592,384	\$752,140

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	6,351	Water Fund	1,268
GF Capital Reserves	14,455	Water Capital Reserves	42,700
Municipal Street Aid	1,926	Sewer Fund	2,077
Real Estate Transfer Tax	12,751	Sewer Capital Reserves	18,144
Electric Fund	13,915	Trash Fund	244
Electric Reserves	46,288		

TOTAL INTEREST EARNED TO DATE \$160,119

REVENUE REPORT

Page Two

17% of Year Expended

Date: August 2019	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Economic Development Fund	166,360	101,560	101,560	61.05%
General Fund Reserves	623,775	0	22,965	3.68%
General Fund Reserves-New Polici	425,000	35,000	70,000	16.47%
Realty Transfer Tax-Police	723,000	60,250	120,500	16.67%
Real Estate Tax	4,148,385	4,037,678	4,040,408	97.40%
Business License	50,000	500	2,525	5.05%
Rental License	95,000	600	2,850	3.00%
Building Permits	200,000	16,360	35,647	17.82%
Planning & Zoning	35,000	200	2,200	6.29%
Grasscutting Revenue	16,000	2,000	4,000	25.00%
Police Revenues	502,750	18,768	70,810	14.08%
Misc. Revenues	388,399	5,901	20,599	5.30%
Transfers From	3,396,842	283,071	566,141	16.67%
Total General Fund Revenues	\$10,770,511	\$4,561,888	\$5,060,205	46.98%
Water Revenues	2,859,500	291,195	378,372	13.23%
Sewer Revenues	2,795,000	240,244	319,228	11.42%
Kent County Sewer	1,850,000	181,025	227,846	12.32%
Solid Waste Revenues	1,184,965	121,047	207,530	17.51%
Electric Revenues	25,815,000	3,141,031	4,248,514	16.46%
TOTAL REVENUES	\$45,274,976	\$8,536,430	\$10,441,695	23.06%
YTD Enterprise Expense		(12,722)		
YTD Enterprise Revenue		9,501		
LTD Carlisle Fire Company Building Permit Fund		512,929		

EXPENDITURE REPORT

Page Three

Date: August 2019

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	651,490	\$46,672	83,385	12.80%	568,105
O&M	168,430	\$6,630	18,741	11.13%	149,689
Capital	0	\$0	0		0
Total City Manager	\$819,920	\$53,302	\$102,126	12.46%	717,794
Planning & Zoning					
Personnel	150,020	\$11,594	20,810	13.87%	129,210
O&M	64,387	\$3,575	12,365	19.20%	52,022
Capital	0	\$0	0		0
Total P, C & I	\$214,407	\$15,169	\$33,175	15.47%	181,232
Code Enforcement & Inspections					
Personnel	286,330	\$21,888	39,194	13.69%	247,136
O&M	85,357	\$5,019	10,576	12.39%	74,781
Capital	32,000	\$0	0	0.00%	32,000
Total P, C & I	\$403,687	\$26,887	\$49,770	12.33%	353,917
Council					
Personnel	33,380	\$2,583	3,875	11.61%	29,505
Contract Service-ADA Transition Pl	50,000	\$0	0	0.00%	50,000
Legal	45,000	\$6,610	7,330	16.29%	37,670
City Hall Building Expense	19,250	\$1,604	3,208	16.66%	16,042
Insurance	18,270	\$0	4,410	24.14%	13,860
Christmas Decorations	7,000	\$0	0	0.00%	7,000
Computer Expense	7,400	\$0	0	0.00%	7,400
Council Expense	25,000	\$1,047	9,167	36.67%	15,833
Employee Recognition	21,000	\$300	350	0.00%	20,650
Codification	15,000	\$1,132	4,466	29.77%	10,534
Carlise Fire Company	140,000	\$0	0	0.00%	140,000
Museum	30,500	\$30,000	30,000	98.36%	500
Downtown Milford Inc.	45,860	\$45,860	45,860	100.00%	0
Milford Public Library	25,000	\$25,000	25,000	100.00%	0
Economic Development	2,000	\$700	700	35.00%	1,300
Armory Expenses	10,000	\$182	1,630	16.30%	8,370
Kent Economic Partnership	30,000	\$0	0	0.00%	30,000
Election-Supplies	3,000	\$0	0	0.00%	3,000
Capital-Council Chambers Recordi	8,795	\$0	0	0.00%	8,795
Capital-Council Chambers Monitors	25,000	\$0	0	0.00%	25,000
Capital-Video Monitoring system	25,000	\$0	0	0.00%	25,000
Total Council	\$586,455	\$115,018	\$135,996	23.19%	450,459

EXPENDITURE REPORT

Page Four

Date: August 2019

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Finance					
Personnel	420,713	\$28,669	49,656	11.80%	371,057
O&M	105,875	\$3,188	21,484	20.29%	84,391
Capital	0	\$0	0		0
Total Finance	\$526,588	\$31,857	\$71,140	13.51%	455,448
Information Technology					
Personnel	164,130	\$12,521	22,415	13.66%	141,715
O&M	181,950	\$7,562	15,213	8.36%	166,737
Capital	48,500	\$0	22,695	46.79%	25,805
Total Information Technology	\$394,580	\$20,083	\$60,323	15.29%	334,257
Police Department					
Personnel	4,972,163	\$361,368	648,672	13.05%	4,323,491
O&M	618,970	\$37,780	89,099	14.39%	529,871
Capital	106,185	\$0	0	0.00%	106,185
Total Police	\$5,697,318	\$399,148	\$737,771	12.95%	4,959,547
Streets & Grounds Division					
Personnel	336,000	\$26,096	47,366	14.10%	288,634
O&M	443,745	\$22,212	64,303	14.49%	379,442
Capital	200,000	\$0	0	0.00%	200,000
Total Streets & Grounds	\$979,745	\$48,308	\$111,669	11.40%	868,076
Parks & Recreation					
Personnel	692,200	\$57,357	96,356	13.92%	595,844
O&M	263,610	\$15,054	40,182	15.24%	223,428
Capital	192,000	\$0	0	0.00%	192,000
Total Parks & Recreation	\$1,147,810	\$72,411	\$136,538	11.90%	1,011,272
Total General Fund					
Operating Budget	\$10,770,510	\$782,183	\$1,438,508	13.36%	9,332,002

EXPENDITURE REPORT

Page Five

Date: August 2019

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	319,798	\$22,385	39,997	12.51%	279,801
O&M	1,498,188	\$109,778	224,006	14.95%	1,274,182
Capital	657,509	\$0	0	0.00%	657,509
Debt Service	384,005	\$89,637	89,637	23.34%	294,368
Total Water	\$2,859,500	\$221,800	\$353,640	12.37%	2,505,860
Sewer Division					
Personnel	318,498	\$20,638	38,006	11.93%	280,492
O&M	1,796,962	\$110,424	260,036	14.47%	1,536,926
Capital	90,000	\$0	0	0.00%	90,000
Debt Service	404,540	\$0	12,735	3.15%	391,805
Sewer Sub Total	\$2,610,000	\$131,062	\$310,777	11.91%	2,299,223
Kent County Sewer	2,035,000	\$155,108	325,228	15.98%	1,709,772
Total Sewer	\$4,645,000	\$286,170	\$636,005	13.69%	4,008,995
Solid Waste Division					
Personnel	350,737	\$25,517	46,408	13.23%	304,329
O&M	834,228	\$67,105	135,097	16.19%	699,131
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,184,965	\$92,622	\$181,505	15.32%	1,003,460
Total Water, Sewer Solid Waste	\$8,689,465	\$600,592	\$1,171,150	13.48%	7,518,315
Electric Division					
Personnel	1,043,591	\$89,455	157,980	15.14%	885,611
O&M	2,612,754	\$180,708	385,673	14.76%	2,227,081
Transfer to General Fund	2,500,000	\$208,334	416,667	16.67%	2,083,333
Capital	1,038,040	\$0	0	0.00%	1,038,040
Debt Service	320,615	\$0	0	0.00%	320,615
Electric Sub Total	\$7,515,000	\$478,497	\$960,320	12.78%	6,554,680
Power Purchased	18,300,000	\$1,600,160	3,313,900	18.11%	14,986,100
Total Electric	\$25,815,000	\$2,078,657	\$4,274,220	16.56%	21,540,780
TOTAL OPERATING BUDGET	\$45,274,975	\$3,461,432	\$6,883,878	15.20%	38,391,097

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2019

ACCOUNT	AMOUNT BUDGETED	MTD	17% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	92,725	7,344	13,390	14.44%	79,335
O&M	113,887	5,309	10,578	9.29%	103,309
Capital	0				
Total Garage Expense	\$206,612	\$12,653	\$23,968	11.60%	182,644
Public Works					
Personnel	720,729	40,954	73,542	10.20%	647,187
O&M	208,665	13,357	29,999	14.38%	178,666
Capital	132,000	0	0	0.00%	132,000
Total Public Works Expense	\$1,061,394	\$54,311	\$103,541	9.76%	957,853
Tech Services					
Personnel	230,513	19,349	33,400	14.49%	197,113
O&M	430,711	29,407	46,574	10.81%	384,137
Capital	64,000	0	0	0.00%	64,000
Total Tech Services Expense	\$725,224	48,756	\$79,974	11.03%	645,250
Billing & Collections					
Personnel	787,589	58,054	107,062	13.59%	680,527
O&M	234,850	20,270	40,225	17.13%	194,625
Capital	47,000	0	0	0.00%	47,000
Total Billing & Collections	\$1,069,439	78,324	\$147,287	13.77%	922,152
City Hall Cost Allocation					
Personnel	0				0
O&M	45,500	4,027	8,162	17.94%	37,338
Capital	0				
Total City Hall Cost Allocation	\$45,500	4,027	\$8,162	17.94%	37,338

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.

Council Retreat Goals



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, OCTOBER 24, 2019
REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.
DINNER: 6:30 P.M. – 7:15 P.M.
PROGRAM: 7:15 P.M.

PROGRAM:

The League is pleased to welcome Attorney General Kathy Jennings as our keynote speaker for the October meeting. Kathy is a life-long resident of Delaware. She was sworn in as AG on January 1, 2019 and has many years of service in the Delaware Department of Justice. Kathy’s background includes service as State Prosecutor, Chief Deputy Attorney General, private practice, and Chief Administrative Officer of New Castle County. Her comments will be geared toward sharing her goals and vision for the AG’s Office with the League.

Members and Associates are reminded that the DLLG – IPA Institute for Local Government Leaders is scheduled for Thursday, December 5 in Dover.

The DLLG wishes to thank the Delaware Municipal Electric Corporation for sponsoring this month’s dinner meeting and complimentary social hour drinks.

PLEASE RSVP TO CHRISTINE NO LATER THAN 10/16/19.

Delaware League of Local Governments: dinners @ \$30 each

Next Meeting: Thursday, January 23, 2020



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, November 6, 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: Bridgeville Volunteer Fire Department
315 Market Street
Bridgeville, DE 19933

TIME: 6:00 pm – Cash Bar
6:30 pm – Dinner

HOST: Town of Bridgeville

SPEAKER: Secretary Robert Coupe
Delaware Department of Safety & Homeland Security

COST: \$25.00 per person

MENU: Roast Beef/Dumplings
Fried Chicken
Mashers/Gravy
Winter Mix Vegetables
Cole Slaw
Baked Pineapple
Yeast Rolls
Baby Cheesecake/Topping
Tea or Coffee

PLEASE RSVP TO CHRISTINE NO LATER THAN 10/29

For those bringing guests, please make checks payable to:
Town of Bridgeville



Second Street Players
at the Riverfront Theater

2 S. Walnut Street
Milford DE 19963

(302) 422-0220
www.secondstreetplayers.com

PO Box 470
Milford DE 19963

September 20, 2019

Eric Norenberg
City Manager
City of Milford
201 S. Walnut St.
Milford, DE 19963

Dear Eric:

I am pleased to share with the City the dates and times for the eight shows scheduled for Second Street Players' 2020 season. This information is listed on the reverse side of this letter and on the enclosed rack cards. I hope this may assist with communicating and coordinating the many events that will be planned for Downtown Milford next year. 2020 is Second Street Players' 40th anniversary season and, as you can see from this schedule, it is another very busy year at our newly renovated Riverfront Theater.

We are proud to be a part of Downtown Milford's arts community and pleased to partner with the many events planned for downtown during the year. It may often seem quiet inside Riverfront Theater, but with public performances on one quarter of the year's weekends – and auditions, rehearsals, set construction, and other pre- and post-production activities throughout the year – our all-volunteer organization and beautiful theater facility are always busy!

Rack cards with all the details of our 40th anniversary 2020 season are enclosed and we will be happy to provide additional copies for your use and distribution. We are also happy to answer any questions you may have and invite you to tour our theater *and* come to see a show! I can be reached during the day by phone at 491-4813 or by email at matjead@comcast.net. Thank you.

Sincerely,

Tracy Dissinger
President
Second Street Players

Enclosures: SSP 2020 season cards

See reverse side for 2020 season dates and times

Second Street Players at the Riverfront Theater 40th Anniversary Season 2020

Moon Over Buffalo (Main Stage)

	Friday	Saturday	Sunday
Dates:	Jan. 31 Feb. 7	Feb. 1 Feb. 8	Feb. 2 Feb. 9
Times:	7 p.m.	7 p.m.	2 p.m.

Oliver! (Main Stage)

	Friday	Saturday	Sunday
Dates:	July 17 July 24	July 18 July 25	July 19 July 26
Times:	7 p.m.	7 p.m.	2 p.m.

Sally Cotter and the Prisoner of Ala Katrax (Children's Theater)

	Friday	Saturday	Sunday
Dates:	Feb. 28	Feb. 29	March 1
Times:	7 p.m.	7 p.m.	2 p.m.

The Best Man (Main Stage)

	Friday	Saturday	Sunday
Dates:	Sept. 11 Sept. 18	Sept. 12 Sept. 19	Sept. 13 Sept. 20
Times:	7 p.m.	7 p.m.	2 p.m.

Caught in the Net (Main Stage)

	Friday	Saturday	Sunday
Dates:	April 17 April 24	April 18 April 25	April 19 April 26
Times:	7 p.m.	7 p.m.	2 p.m.

The Big Bad Musical (Children's Theater)

	Friday	Saturday	Sunday
Dates:	Oct. 9	Oct. 10	Oct. 11
Times:	7 p.m.	7 p.m.	2 p.m.

Bedtime Stories (As Told by Our Dad) (Who Messed Them Up) (Children's Theater)

	Friday	Saturday	Sunday
Dates:	May 15	May 16	May 17
Times:	7 p.m.	7 p.m.	2 p.m.

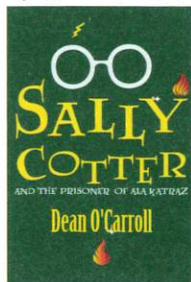
It's a Wonderful Life (Main Stage)

	Friday	Saturday	Sunday
Dates:	Nov. 27 Dec. 4	Nov. 28 Dec. 5	Nov. 29 Dec. 6
Times:	7 p.m.	7 p.m.	2 p.m.

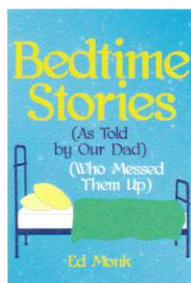


Second Street Players
at the Riverfront Theater

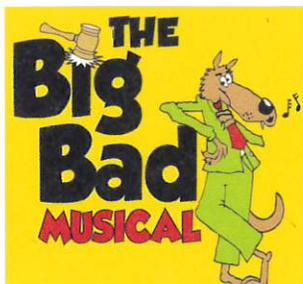
Announcing our Children's Theater
for 2020!



FEBRUARY 28, 20, MARCH 1



MAY 15, 16, 17



OCTOBER 9, 10, 11

www.secondstreetplayers.com
P.O. Box 470, Milford, DE 19963
For tickets, visit us online
or call (800) 838-3006



Second Street Players
at the Riverfront Theater

Join us in 2020 for:



MOON OVER BUFFALO

JAN. 31, FEB. 1, 2
FEB. 7, 8, 9

APR. 17, 18, 19
APR. 24, 25, 26



LIONEL BART'S
Oliver! JULY 17, 18, 19
JULY 24, 25, 26

SEPT. 11, 12, 13
SEPT. 18, 19, 20



"IT'S A
WONDERFUL
LIFE"
NOV. 27, 28, 29
DEC. 4, 5, 6

www.secondstreetplayers.com
P.O. Box 470, Milford, DE 19963
For tickets, visit us online
or call (800) 838-3006

City of Milford



RESOLUTION 2019-16 Halloween Trick-or-Treat

WHEREAS, the children of Milford are free to enjoy the fun and festivity associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family, going door to door in their neighborhoods, displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Thursday, October 31, 2019 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

- *Costumed celebrants will be permitted to engage in Trick-or-Treat.
- *All celebrants are to refrain from committing acts of vandalism or destruction.
- *Motorists are asked to be ever watchful of our youngsters making these annual rounds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 14th day of October 2019.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



TO: Community & Economic Development Committee

FROM: Rob Pierce, Planning & Economic Development Director

DATE: July 8, 2019

RE: Proposed Business Licensing Program

During the 2016 calendar year, the Community Affairs Committee investigated the implementation of a City-wide business licensing program which was ultimately voted down in late 2016 by City Council. Recently, 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. Due to this Committee's involvement in the 2016 draft, staff felt it was important to review any updated draft ordinance with the Committee. Enclosed is a copy of the updated draft code amendment that would create a new Chapter 90 entitled Business License.

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 (name, title and phone number), type of business, number of employees and ensure all relevant State or other governmental approvals and licenses are valid.

The draft code defines a business as "any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional service or other general commercial activity **physically located within the corporate limits of the City** that requires a business license with the State of Delaware, Division of Revenue." It also provides a list of activities that would be exempt from the business license program under Section 90-8.

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 31st 2020. Registration costs would need to be determined by City Council, however staff recommends a minimum of \$50.00 to cover administration and enforcement costs.

Staff is seeking guidance from the Committee on the draft code language, particularly the definition of a business, the exemption list, penalties and the appeal procedures.

PUBLIC NOTICE

Notice is hereby given that the following Ordinance is currently under review by Milford City Council, with action scheduled to occur on the date so indicated:

ORDINANCE NO. 2019-35

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MILFORD, PART II GENERAL LEGISLATION, BY ADDING A NEW CHAPTER 90, ENTITLED BUSINESS LICENSE

WHEREAS, the City of Milford desires to adopt an ordinance providing for the requirement and procedures to issue licenses to businesses operating within the corporate limits of the City; and

WHEREAS, the license will benefit the public by ensuring businesses operating within the City are properly licensed and compliant with all applicable codes, regulations and health, safety and zoning requirements; and

WHEREAS, the City of Milford will experience direct and indirect costs associated with administering the licensing registrations, making it necessary and reasonable for the City of Milford to impose a fee associated with the issuance of business licenses and the enforcement of those regulations outlined herein.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 90, to be titled "BUSINESS LICENSE".

Section 2. The Code of the City of Milford is further amended by adding the following provisions to the new Chapter 90, to hereby read as follows:

§ 90-1 Purpose

The City Council has deemed it to be in the best interest of the residents of the City and in furtherance of their health, safety and welfare to issue business licenses and establish procedures governing the issuance of business licenses in order to identify owners/operators of businesses, track changes in ownership and/or business activity, define the nature of business activities, ensure an understanding of and compliance with City codes governing business operations, and provide necessary approval, enforcement, and compliance procedures.

§ 90-2 Definitions

As used in this Chapter, the following terms shall have the meanings indicated, except where the context clearly indicates a different meaning:

BUSINESS-Any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general

commercial activity with a physical location within the corporate limits of the City that requires a business license with the State of Delaware, Division of Revenue.

PERSON-Any individual, firm, corporation, company, partnership, or joint venture.

§ 90-3 Business License Required

- A. Commencing January 1, 2020, no person shall operate, maintain or otherwise be engaged in any business within the corporate boundaries of the City of Milford without having first received a business license issued by the City for the calendar year in which the business is operating. All businesses in existence prior to January 1, 2020 shall obtain a business license prior to July 1, 2020.
- B. License period; renewals. Business licenses shall be issued for each calendar year and shall expire December 31st of the calendar year for which the business license was issued, regardless of when during the calendar year the license was issued. Licenses shall be renewed on or before January 31st of each year.
- C. Display of business license. The business license shall be displayed in a public place within the establishment in a manner that is visible at all times to the public.
- D. Good standing requirements. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and other fees due the City are paid and in good standing.
- E. Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.
- F. Transferability. A business license may not be transferred from one party to another or from one location to another location of the same business. If the nature of the licensee's business activities substantially changes after the issuance of a business license, a new business license shall be obtained.

§ 90-4 Business License Application

- A. Every application for a business license submitted to the City shall be in writing, verified by oath or affirmation and signed by the applicant(s), and shall include the following information:
 - (1) Company/business name;
 - (2) Phone number and street address of business (physical location, not post office box);
 - (3) The name, title, phone number(s) (home and cellphone), and address(es) of the owner(s);
 - (4) Name, cell phone number, and email address of the authorized manager or representative to be used for emergency purposes;
 - (5) Federal Employer Identification Number or owner's Social Security Number (last four digits only);

- (6) The trade, business or occupation for which the license is being requested;
- (7) Number of regular full time and part time or seasonal employees;
- (8) A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi-governmental agency (i.e. Alcoholic Beverage Control Commission, Administrative Services, Banking Commissioner, Insurance Commissioner, Public Service Commission, Department of Natural Resources, Environmental Protection Agency, Internal Revenue Service, etc.). Possession of any such license or approval shall not exempt a person from obtaining a City of Milford business license; and
- (9) A statement that the business has complied with and will continue to comply with all codes and ordinances of the City.

- B. After reviewing the business license application, the City Manager may request such other information as is necessary to answer any questions raised by the application regarding the operation of the business. The City Manager shall prescribe the form of the license certificate and shall keep full and complete records of all licenses issued, the expiration dates, and the license fees collected.

§ 90-5 Business License Application Review

The City Manager or his/her representative shall investigate and review all applications for a license to do business within the City to determine whether the applicant is aware of and demonstrates a willingness to comply with all codes and ordinances of the City that relate to the business's operation, and agrees to avoid all forbidden, improper or other practices or conditions which do or could adversely affect the public health, safety or welfare.

§ 90-6 Business License Fees; Delinquencies

- A. The fee for a business license shall be set by the City Council each year as part of the City Fee Schedule.
- B. No refund shall be given for any business that ceases to operate during the licensing period. In the event that an existing business has not applied for and paid the business license fee on or before the first day of February, a penalty of ten percent (10%) shall be assessed for each month or portion thereof that the license fee remains unpaid. Once penalties have begun to be assessed under section 90-10, however, no additional penalties shall continue to be assessed under this section.

§ 90-7 Code Compliance; Zoning Certificate

A business operating in the City shall at all times be in compliance with all City codes and ordinances. Any business not in existence in the City as of January 1, 2020 shall not be issued its initial business license and shall not initiate its business activities until it has obtained a certificate of zoning compliance ascertaining the permissibility of the proposed business use in the location where such activity is to take place.

90-8. Exemptions.

Anything in this chapter to the contrary notwithstanding, the following activities are exempt from the business licensing requirement outlined herein:

- (1) Charitable, religious, educational, or public service facility, social association or club, or governmental agency, except to the extent that such operates a separate retail facility or other ancillary business that would require a business license.
- (2) Exhibitor in a museum, the Milford Library, an educational facility, or other public building where such exhibition is part of a limited scheduled event or show.
- (3) Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.
- (4) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
- (5) Any activities permitted pursuant to a current peddler's license or otherwise exempt from obtaining a peddler's license as outlined in Chapter 168 ("Peddling, Soliciting and Transient Merchants").
- (6) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
- (7) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.
- (8) Rental activities for which a rental license has been obtained pursuant to Chapter 180 ("Residential Rental Operating Licenses").

§ 90-9 Inspection by City Officials

The City Manager and/or his designee shall have the authority to make or have made all inspections and investigations reasonably necessary to enforce this chapter and to inspect those portions of the commercial premises that are open and visible to the public in order to ensure that the business is being conducted as specified by the license and is in compliance with all applicable building, safety, zoning, and other City codes. All persons authorized by this chapter to inspect businesses shall have the authority to enter the premises to inspect at all reasonable times.

§ 90-10 Suspension of Business License; Penalties

- A. Suspension of business license. The City Manager may order a business to cease operations in the City and suspend its business license for any of the following reasons:
 - (1) The business is found to be operating in violation of the terms of this chapter.
 - (2) The business is more than 60 days late in renewing its business license.
 - (3) The business is in violation of any regulations of the Milford City Code or the laws of Delaware.
 - (4) The Fire Marshall or any public safety authority having jurisdiction has requested that the business activities cease until certain conditions have been remedied.
- B. The City shall provide the business with written notice of the violation(s), which notice shall state that the business shall be ordered to cease operations and its business license shall be suspended without further notice if within 10 business days of the date of the notice the business fails to remedy the violations or file an appeal with the City Clerk's

office. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the business. If the business does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the business shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a business to cease operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.

C. Penalties. Any business that does not remedy the violations within the prescribed time period shall be assessed a penalty of \$100.00 as of the date the notice of violation was delivered to the business. Each day thereafter that the violation is not remedied shall be considered a new violation subject to a new penalty, provided that no additional notices of violation shall be required. Notwithstanding the foregoing, no penalties shall be assessed if:

- (1) The business remedies the violation(s) within 10 business days of the date the notice of violation was delivered to the business; or
- (2) The business files an appeal with the City Council that is resolved in favor of the business. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of Delaware to recover any unpaid fee.

§ 90-11 Appeals Procedures

The City Council shall provide any business appealing a determination of the City Manager with at least 15 business days' written notice of the date, time, and place at which the City Council shall sit to hear the business's appeal. Such written notice shall be sent via certified mail, return receipt requested, and the hearing may be held as part of a regularly scheduled City Council meeting. The filing of an appeal shall stay any enforcement action by the City to compel the business to cease operations, and the business shall be permitted to continue to operate until a final decision is rendered by the City Council. If the City Council finds against the business, the business shall have five (5) business days after the decision of the City Council to remedy the violations before the City takes legal action to compel the business to cease operations. The accrual of daily violations and corresponding penalties shall not be stayed if an appeal is filed, but no penalties shall be assessed if the City Council finds in favor of the business. If the City Council finds against the business, the City Council may waive a portion or all of the accrued penalties if:

- (1) The violations are remedied within five (5) business days following the decision of the City Council; and
- (2) The City Council finds the appeal was filed by the business in good faith.

§ 90-12 Severability

The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining

provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 3. A revision to the City of Milford Code is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 4. City Council Meeting Dates

Introduction: September 23, 2019

Projected Adoption: October 14, 2019

Section 5. Effective Date.

This Ordinance shall be effective on the tenth day following the date of its adoption.

For additional information, please contact Rob Pierce in the Planning Department at 180 Vickers Drive, Milford, either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised Beacon 091119

Revised 091819

**CITY OF MILFORD
RESOLUTION 2019-15**

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE

WHEREAS, the City of Milford desires to require a business license for businesses operating within the corporate limits of the City; and

WHEREAS, the license will benefit the public and law enforcement by ensuring businesses operating within the City are properly licensed and compliant with all applicable codes, regulations and health, safety and zoning requirements; and

WHEREAS, the City of Milford will experience direct and indirect costs associated with administering the licensing registrations, making it necessary and reasonable for the City of Milford to impose the fee associated with the issuance of business licenses and the enforcement of those regulations outlined herein.

WHEREAS, following a properly noticed Council Meeting at which time public comment was accepted and considered, the City Council has determined it to be in the best interest of the City to adopt a business license through Ordinance 2019-35.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY RESOLVES as follows:

The Code Enforcement and Licensing Fees, is hereby amended, by adding a Business License Fee in the amount of \$30.00, authorized by City Council on October 14, 2019 and effective October 24, 2019, in order to coincide with the adoption of Ordinance 2019-35, indicated herein by underline and bold italics:

PLANNING & DEVELOPMENT FEES		
	Description	Fee
Major Subdivision	Preliminary or Final, Residential	\$1,000.00 plus \$10.00 per unit
	Preliminary or Final, Other than Residential	\$1,000.00 plus \$100.00 per lot
Minor Subdivision or	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Lot Line Adjustment	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Site Plan	Preliminary, Final or Amendment	\$700.00
Conditional Use or Amendment to a Conditional Use		\$700.00
Zoning Map Amendment/Comprehensive Plan Amendment		\$1,000.00 plus \$100.00 per acre
Zoning Code Amendment Request		\$700.00
Annexation	Residential, less than 1 acre	\$700.00
	Residential, 1 to 5 acres	\$2,500.00
	Residential, 5+ acres	\$2,500.00 plus \$100.00 per acre
	Other than Residential	\$2,500.00 plus \$500.00 per acre
Variance(s)	1-3 variances	\$300.00
	4-6 variances	\$400.00
	7+ variances	\$500.00
Board of Adjustment Hearing (no variance)		\$300.00

Subdivision Agreement	\$2,500.00
Zoning Verification Letter	\$20.00
Certificate of Use	\$75.00
Legal Interpretation of Subdivision or Zoning Code	\$300.00
Street or Alley Closing	\$300.00
Application Resubmission or Rescheduling Fee	\$200.00
Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)	Fees charged the City of Milford, plus 10%; Billed as encumbered.
Transfer of Development Rights (TDR) Credit	\$3,000 per dwelling unit

BUILDING INSPECTION AND PERMITTING FEES		
Description	Fee	
Building Permit, Residential, Use groups R3 or R4	New Dwelling Unit	\$50 per 100 heated square feet plus \$13 per 100 unheated square feet
	Interior/Exterior Renovations, Accessory Building, Pool, Deck, Ramp, Solar Panels	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$50.00
	Certificate of Occupancy	\$25.00
Building Permit, Other than use groups R3 or R4	New Construction, Commercial Fit-Out, Interior/Exterior Renovations, Footer, Foundation,	\$100 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Sign, Sales/Construction Trailer, Solar Panel	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$100.00
	Certificate of Occupancy	\$25.00
Building Permit, Renewal	\$50 or 10% of permit fee, whichever is greater	
Re-inspection	\$50.00	
Temporary Certificate of Occupancy	\$50.00	
Carlisle Enhancement Fund	1/4 of 1% of heated square feet cost	
Police and General Government Facilities	3/4 of 1% of heated square feet cost	

CODE ENFORCEMENT AND LICENSING FEES		
Description	Fee	
Licensing	Contractors	\$100.00 annually, prorated semi-annually
	Residential Rental Operating	\$50.00 per unit annually
	Peddler, Solicitor, and Transient Merchant	\$50.00 annually, prorated semi-annually
	Transfer	\$50.00
	<i>Business</i>	<i>\$30.00 annually</i>
Inspection	Re-Inspection / Follow Up Inspection	\$50.00

This Resolution replaces in its entirety Resolution 2019-05.

Section 1.

Following adoption of Resolution 2019-15, and upon the effective date, the Planning & Economic Development Department Fee Schedule is hereby amended.

Section 2.

Any revision to the City of Milford Planning & Economic Development Department Fee Schedule, is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Dates

City Council Review & Public Hearing: October 14, 2019

Effective Date to Coincide with Ordinance 2019-35.

For additional information, please contact Rob Pierce in the Planning Department at RPierce@milford-de.gov or by calling 302-424-8396.



ARTIST AGREEMENT for Electric Utility Boxes

Date of this agreement: _____

Artists Name: _____

Address: _____

Phone: _____ E-mail: _____ www: _____

DRAFT

_____, the artist, agrees to paint the electric box located at _____ in downtown, Milford, DE.

The artist agrees to paint the design approved by the committee. The artist will be given full artistic license, but the product of labor belongs to downtown Milford. The final painting must not include any offensive, pornographic, religious, political, symbolic or hateful images and/or language and downtown Milford reserves the right to paint over any offending material.

The artist agrees to follow the technical specification recommended by the committee regarding surface preparation, painting and protective coating.

Downtown Milford Inc. agrees to pay the \$1,000 for design, material and labor. The painting is expected to be completed by _____. An initial deposit of \$100.00 will be paid to the artist within 30 days of the signing of this agreement, the final payment in full will be paid to the artist with 30 days of the signing of the satisfactory completion of the painting of the electrical box (per the date above).

The artist assumes all liability for personal injury and damage to private and/or public property while working on this painting, and agrees to comply with guidelines and follow all State, Federal and Local laws.

Agreed Upon Completion Date: _____

Agreed to by (artist): _____ Date: _____

Agreed to by (DMI): _____ Date: _____



ARTIST GUIDELINES

When "Call to Artists" is announced, contact DMI for complete package.

Submit package within guidelines indicated. This will include samples of work and idea of proposal.

Once artists have been selected, she/he must send sketches of proposed work for acceptance by the Design Committee.

No more than four artists can partner on one electrical box project. If more than one artist, funding established is shared among the number of artists.

Open to High School Art Students under the supervision of a teacher.

Art can be abstract or realistic.

Art cannot be 3 dimensional – nothing should stick out from the electric box which may block foot traffic or protrude upwards.

Art must not contain words or symbols suggesting political affiliation, religious affiliation, membership/group affiliation or any type of advertisement or anything that could be seen as a sign of hate.

Artists must prepare utility box following "Helpful Specs" included.

Artists shall not paint over hinges, keyholes or protective keyhole coverings. Artists shall not paint over working mechanism door handle. Artist shall in no way affect the ease of operation of handles and doors.

Artists must complete project within a 6 week period.

Artists must coat with graffiti prevention – see "Helpful Specs".

Artists must make repairs to art work as needed for a minimum of 3 years. If any utility boxes shows wear or lack of care the box may be painted over until funding allows the process to start again using same box with an additional "Call to Artists".

Helpful specs for Painting the electric box

First Step is to thoroughly clean with a automotive type soap the entire electric box

Step 2 Use a wire brush or stainless steel scrubbers to scrub any rust areas

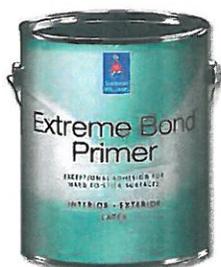
Step 3 Use Denatured Achohol and a steel scrubber to degrease any rust or rust like areas

Step 4 Prime using Iron oxide spray primmer all newly cleaned rust or rust like areas



Before you begin the priming you must use a medium sanding pad covering the whole area to be primed. Then you must clean with denature achohol and a fine sanding pad to completely degrease the surface before using the primer. I brushed all of my surfaces with the exception of the iron oxide spray before the priming.

DRAFT



The primer was used as white for colors that were very color intense and Battleship grey for any very dark colored areas. All primed areas were painted with one coat of primer, sanded with a fine sanding block and a second coat of primer to fully cover the green.



Resilience and the Duration were mixed in the satin surface. I used blue masking tape when needed to separate different color areas. When there was a long time lapse between colors, I used a soft cloth with denatured alcohol on the primer before putting on the color coat.

Last step, apply 1 coat of Anti-Graffiti clear coat over whole box:

<https://www.sherwin-williams.com/painting-contractors/business-builders/paint-technology-and-application/s>

All materials, including color paints are available at our local Sherwin Williams store on Snow Hill road. Show them the contract and they will give you a discount.



AGREEMENT between Downtown Milford Inc. and the City of Milford, Delaware

URBAN ART - Electrical Utility Box Project

September 1, 2019

This agreement establishes responsibilities and authority of the Electrical Utility Box Art Project

Downtown Milford Inc. will

- Seek funding through grants, sponsors and donation (\$1K per artist needed)
- Establish number of separate artists per year (no more than 3 boxes per year)
- Publicly announce "Call to Artists" with Press release (once a year)
- Distribute packages to artists
- Field applications and select artists
- Assign pre-approved electrical boxes to artists
- Monitor progress and ensure art meets sketch design
- Ensure that box is graffiti proofed after completion, restore the art in the event of any damage or vandalism, including cleaning/removing any graffiti OR restore the box(es) to the original condition if restoration/ cleaning is not possible. The Design Committee will inspect all boxes annually to determine needs.
- Supervise the painting to ensure artists do not paint over hinges, keyholes or protective keyhole coverings, or in any way affect the ease of operation of handles and doors.
- Create Press Release – possible unveiling ceremony

The City of Milford will

- Determine acceptable electrical boxes through Public Works
- Be a part of the artist selection process
- Approve final products
- Attend unveiling ceremonies
- Apply for permits if required

Eric Norenberg, City Manager, Milford

Date

Peggy Reilly, President, Downtown Milford Inc.

Date

DRAFT

Downtown Milford, Inc.
207 South Walnut Street
Milford, DE 19963
FOR IMMEDIATE RELEASE
Month Day, 2019

Contact: Joey Phillips, Interim Executive Director
302-839-1180
Director@downtownmilford.org

**Milford Utility Box Art Project
Pilot Study**

DRAFT
Downtown Milford Inc. (DMI) joins forces with the City of Milford to bring beauty and interest to town. The sensation of decorating ugly utility boxes is spreading across the country. With "River Town, Art Town, Home Town" being our motto, this project makes perfect sense for our future.

Local artist Nadia Zychal has been seen adorning the utility box on the corner of S Walnut and SE Front Street. Nadia says her rendition will be a tribute to Delaware with local flora & fauna, a Blue Hen, a horseshoe crab and of course our beloved Lady Bug. The work of art will also include our state flag creed "Liberty and Independence".

This first test utility box has been primed and will be seal coated to make future graffiti washable. Nadia is using acrylic paint and said "this project is challenging - in this heat, the paint dries instantly which makes it somewhat unforgiving."

Once we see how this first box weathers and determine difficulties then we will establish a formal process for other artists (young and not so young) to submit their own ideas for painting other utility boxes throughout Milford. We will also research grants and sponsorships to help defray costs and labor compensation.

Nadia is a downtown Milford resident, a professional decorative artist and a volunteer on DMI's Design Committee.

Visit <http://downtownmilford.org> or the event Facebook page (<https://www.facebook.com/events/2368868323163481/>) for more info.

Happenings in Milford can always be seen and posted at <http://experiencemilford.com/>

Downtown Milford, Incorporated, is a dynamic multi-faceted economic development organization that serves as a positive force in the community at large. We work with business and property owners to beautify, revitalize, protect, preserve, and promote our historic

riverside district. DMI operates as 501c3 nonprofit organization and is accredited through the National Trust for Historic Preservation and the Downtown Delaware Program.

DRAFT

URBAN ART PROJECT SUGGESTED PROCESS

August 1 2019

Discuss Urban Art Process at Downtown Milford Inc. Board Meeting

October 14, 2019 (tentative)

Discuss Urban Art Process at City Council Meeting

December 15 2019

Submit Press Release announcing the new project "Urban Art Pilot Program/Electrical Utility Box Art"

January 15 each year

Submit Press Release announcing "Call to Artists"

March 15 each year

Design Committee meet with all Artists applications – begin selection process with City Hall Representation

April 15 each year

Notify all Artists (selected or not)

Submit Press Release naming selection

May 15 to July 15 each year

Artists begin painting following guidelines

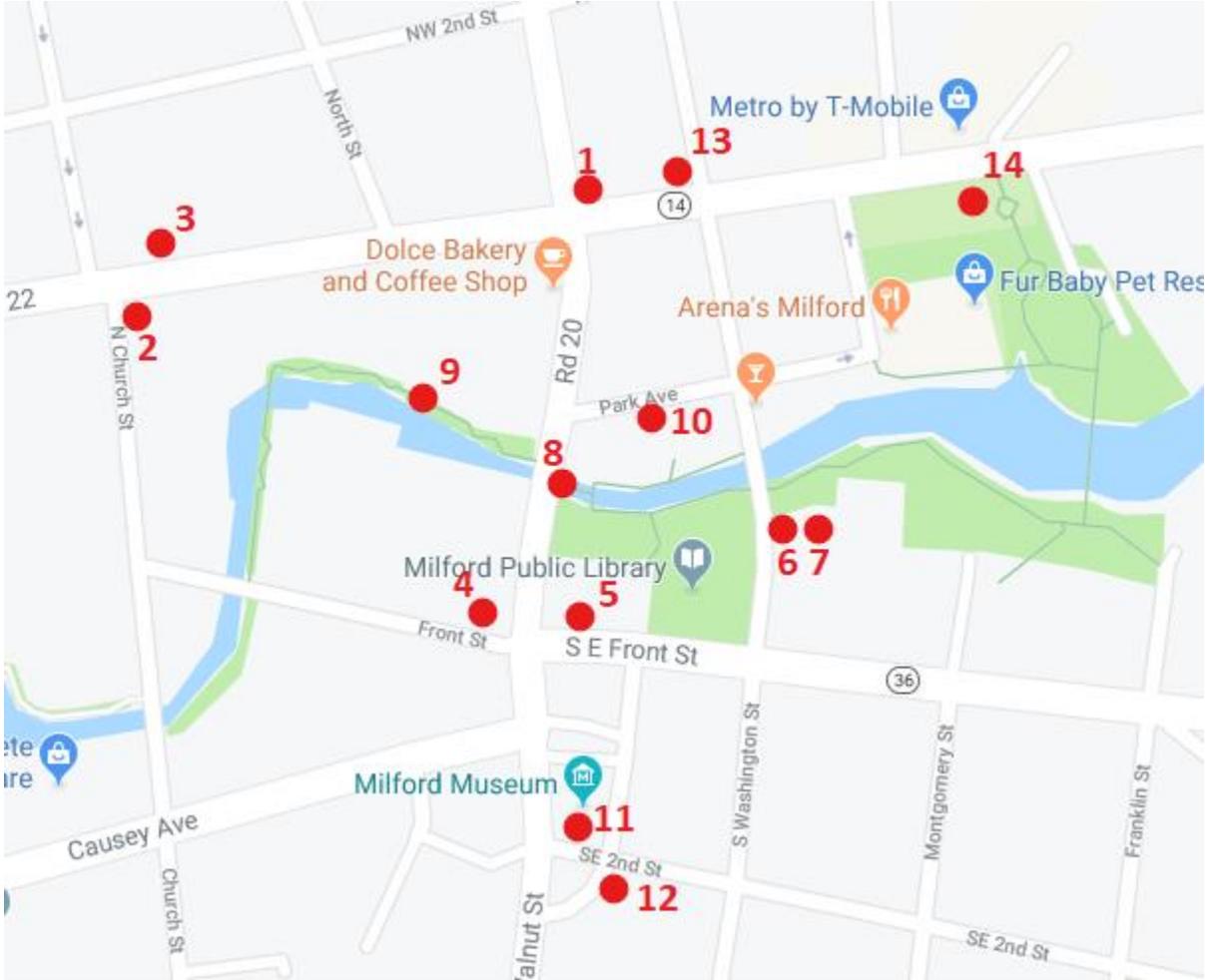
Six weeks later

Artists complete work

July 15 to August 15 each year

Organize unveiling and submit Press Release

DRAFT



LOCATION # 1 – ONLY SILVER TRAFFIC BOXES ARE OK TO PAINT



LOCATION # 2



LOCATION # 3 – ONLY SILVER TRAFFIC BOX IS OK TO PAINT



LOCATION # 4



LOCATION # 5



**LOCATION # 6
PHOTO UNAVAILABLE**

**LOCATION # 7
PHOTO UNAVAILABLE**

LOCATION # 8 – BLACK BOX NEAR SANTA’S SHED IS OK TO PAINT



LOCATION # 9 – BOX IS LOCATED ALONG RIVERWALK (ENTER FROM PARKING LOT OF 18 N. WALNUT)



LOCATION # 10



LOCATION # 11



LOCATION # 12 - ONLY SILVER TRAFFIC BOX IS OK TO PAINT



LOCATION # 13



LOCATION # 14





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: Award Professional Contracts for Various Waterline and Sewer Projects
Date: September 17, 2019

On November 7, 2016, the Public Works Committee recommended awarding a contract to Davis, Bowen and Friedel, Inc for the Shawnee Acre Pump Station Replacement. Cost of the professional services contract is \$188,350. The project will be funded through a USDA Grant/Loan. Council awarded a contract for the work to Davis, Bowen and Friedel, Inc on April 9, 2017

During the bidding process, the City Engineer requested several changes to the design which resulted in the issuance of an addendum. The additional work necessitated by the requested change was additional work not included in the contract. Davis, Bowen and Friedel, Inc is requesting an amendment to their contract to increase their design phase fee by \$6,750. The additional funding requested is covered by the USDA Loan/Grant for the project.

Recommendation

I recommend Council authorize payment of \$6,750 to Davis, Bowen and Friedel, Inc for the amended contract for the additional design phase work for the Shawnee Acre Pump Station Replacement Project.

July 18, 2019

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

City of Milford
Public Works Facility
180 Vickers Drive
Milford, Delaware 19963

Attn: Mr. Mark Whitfield
Public Works Director

RE: Amendment to Contract
Additional Engineering Services
Shawnee Acres Pump Station Replacement Project
City of Milford
Sussex/Kent County, Delaware
DBF # 052A180B01

Dear Mr. Whitfield:

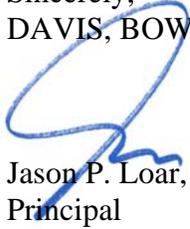
Davis, Bowen & Friedel, Inc., (DBF) was pleased to work with the City on the above referenced project and look forward to beginning construction soon. As you are aware during the bidding process, the City requested several changes to the design which resulted in Addendum No. 3 which was a re-issuance of the full set of construction plans along with several updated technical specifications. These changes included re-orientation of the valve vault, modification to the wet well and related ancillary items, additional site work, and re-design of the controls.

As a result of this re-design, DBF and its consultant have incurred additional expenses related to items outside our original scope of work. Thus, we are requesting an amendment to our contract to increase our design phase fee by \$6,750.

Proposal: Mr. Mark Whitfield
City of Milford
July 18, 2019
Page 2

Should you find this amendment acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. I will then prepare the required amendment forms for USDA-RD concurrence as they are the primary funding source for this project. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.
Principal

Enclosures

P:\MILFORD\052A180 Shawnee Acres Pump Station\AE Agreement\Additional Services.071819.jpl.docx

ACCEPTED BY:

Signature

Date

Printed Name



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 2nd Street Utility, Curb, and Sidewalk Improvement Project
Date: October 11, 2019

In preparation for DELDOT's planned paving of SE 2nd 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 October 9, 2019, at 2:00pm, bids for the project were to be opened in the City Hall Council Chambers. One bid was received by Teal Construction, Inc of Dover, DE in the amount of \$1,114,400.00. The engineer's estimate for the project was \$1,427,070.00. This project includes a significant number of contingency items which will only be performed at the direction of the City Inspector. It is likely that the full bid amount will not be required to complete the project, but it is recommend authorizing the full amount at this time.

Funds allocated for the project in the 2018 Budget included \$150,000 for curbing in General Fund Reserves and \$1,550,000 for water. No funds were allocated for the sewer work.

Recommendation: I recommend Council award Contract #2019-WA-002 for the Southeast Second Street Utility, Curb, and Sidewalk Improvement Project to Teal Construction, Inc of Dover, Delaware in the amount of \$1,114,400.00 with funding as follows: \$150,000.00 from General Fund Reserves (curb work and sidewalks abutting curb), \$814,000.00 Water Reserves (water lines, lead goosenecks, sidewalks with meter pits), and \$150,000 Sewer Reserves (sewer main replacement).



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

614 N. Dupont Highway • Dover, DE 19901 • Phone 302-747-5999

October 11, 2019

Public Works Department
Attn: Mr. Mark Whitfield, Public Works Director
180 Vickers Drive
Milford, DE 19963

RE: SE 2nd Street Utility, Curb, and Sidewalk Improvement Project
KCI Job No. 131803632.SS

Dear Mr. Whitfield:

Bids for the SE 2nd Street Utility, Curb, and Sidewalk Improvement Project were opened and read on October 9, 2019 at 2:00 PM. One (1) bid package was complete and the bid result is listed below:

<u>Contractor</u>	<u>Bid Amount</u>
Teal Construction, Inc.	\$1,114,400.00

Analysis of Bids

Teal Construction, Inc. (Teal) is the sole bidder and has sufficient experience in water and pavement construction projects. As you are aware, the previous bid process resulted in no bidders. Due to the thriving economy, local contractors have increased workload, which likely led to receiving only one bid. This trend is consistent throughout the local market and is not believed to be specific to this project or the City. Teal has a very good local reputation for utility work similar to this project; and they have performed several successful projects with KCI as the lead engineer for nearby municipalities in the past.

KCI has reviewed the bid package and found that Teal has met all of the requirements.

Please refer to the enclosed bid tabulation for a summary of all the pricing itemized by bid item. The Base Bid Total amount from Teal for \$547,100.00 was 4% lower than the engineer's estimate. The differences between them is largely due to differences in price for traffic control, sewer replacement, and new water service placement. Overall, Teal's bid is well within the acceptable range compared to the engineering estimate.

The Contingency Bid Total of \$567,300.00 was 37% lower than the engineer's estimate. Teal's familiarity with the scope of work could account for the lower contingent bid amount. Additionally, the unit price of contingent bid items often differ from base bid items, which makes them more difficult to estimate from contractor to contractor.

As expected with cost estimates, several bid items were lower and several were higher than the engineer's estimate. In viewing each of these in detail, there are no concerns or follow up analysis needed to award this bid.

Project Funding

The funding from the General Fund Reserves for the amount of \$150,000.00 and from the Water Reserves for the amount of \$964,000.00 were secured in 2018 from the City's Budget.

Recommendation

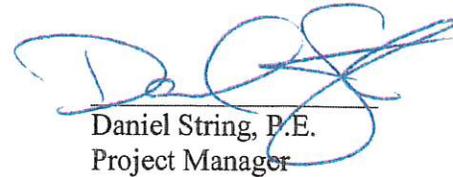
KCI recommends Teal Construction, Inc. be awarded the SE 2nd Street Utility, Curb, and Sidewalk Improvement project. This project contains a large quantity of contingent items that will be performed at the direction of the City's Inspector. It is unlikely that the full amount of contingency will be required; however, we recommend that the award be given for the full amount, contingent upon direction from the City Inspector.

Please feel free to contact us at 302-318-1066 if you have any questions.

Sincerely,

KCI Technologies, Inc.

Aaron Whitenight
Engineer In Training



Daniel String, P.E.
Project Manager

Encl: Bid Tabulation with Engineer's Estimate
Contractor Bid Forms

SE 2nd Street Utility, Curb, and Sidewalk Improvement Project

Teal Bid Tab Submitted 10/9/2019

Item No. & Description	Unit	Estimated Quantity	Estimated Unit	Estimated Total	Teal Unit	Teal Total	% Different Total	Different Total
			Price	Price	Price	Price	+ means KCI higher & - Teal	+ means KCI higher
1 Mobilization/Demobilization (Max 3% of Total Bid)	LS	1	\$ 41,500.00	\$ 41,500.00	\$ 31,750.00	\$ 31,750.00	23%	\$ 9,750.00
2 Excavate Existing Water Service Connection at Main	EA	70	\$ 200.00	\$ 14,000.00	\$ 850.00	\$ 59,500.00	-325%	\$ (45,500.00)
3 Re-use Existing Corp. Stop, Furnish & Install New Water Service via Bore Method, including Backfill and Compact.	LF	1000	\$ 100.00	\$ 100,000.00	\$ 47.00	\$ 47,000.00	53%	\$ 53,000.00
4 Remove & Replace Existing Sanitary Sewer Main with PVC DR 26 Sewer Main	LF	350	\$ 350.00	\$ 122,500.00	\$ 188.00	\$ 65,800.00	46%	\$ 56,700.00
5 Install New Sewer Manhole (Repair #5)	EA	1	\$ 10,000.00	\$ 10,000.00	\$ 8,200.00	\$ 8,200.00	18%	\$ 1,800.00
6 Lateral Connection Replacement	EA	3	\$ 90.00	\$ 270.00	\$ 6,950.00	\$ 20,850.00	-7622%	\$ (20,580.00)
7 Furnish, install & Compact Permanent and Temporary GABC, including Maintenance and Removal of Temporary GABC Prior to Asphalt Paving	CY	80	\$ 60.00	\$ 4,800.00	\$ 98.00	\$ 7,840.00	-63%	\$ (3,040.00)
8 Furnish & Install Hot Mix Asphalt Paving, Type "B"	Ton	40	\$ 100.00	\$ 4,000.00	\$ 312.00	\$ 12,480.00	-212%	\$ (8,480.00)
9 Furnish and Install Hot Mix Asphalt Paving, Type "C"	Ton	40	\$ 125.00	\$ 5,000.00	\$ 312.00	\$ 12,480.00	-150%	\$ (7,480.00)
10 Remove & Replace Existing Concrete Curb	LF	1700	\$ 40.00	\$ 68,000.00	\$ 64.00	\$ 108,800.00	-60%	\$ (40,800.00)
11 Remove & Replace Existing Concrete Sidewalk, Including Select Base	SF	4600	\$ 25.00	\$ 115,000.00	\$ 14.00	\$ 64,400.00	44%	\$ 50,600.00
12 Traffic Control	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 108,000.00	\$ 108,000.00	-170%	\$ (68,000.00)
			TOTAL BASE BID:	\$ 525,070.00	TOTAL BASE BID:	\$ 547,100.00	-4%	\$ (22,030.00)

CONTINGENT ITEMS (TO BE COMPLETED AT DIRECTION OF ENGINEER)								
Item No. & Description	Unit	Estimated Quantity	Estimated Unit	Estimated Total	Teal Unit	Teal Total	% Different Total	Different Total
			Price	Price	Price	Price	+ means KCI higher & - Teal	+ means KCI higher
13 Re-Use Existing Corp. Stop, Furnish & Install New Water service via Open Cut Method, including Backfill and Compact	LF	1000	\$ 80.00	\$ 80,000.00	\$ 84.00	\$ 84,000.00	-5%	\$ (4,000.00)
14 Remove Existing Corp. Stop and Tapping Saddle, Re-Use Existing Tap and Furnish & Install New Tapping Saddle & Corp Stop	EA	70	\$ 1,100.00	\$ 77,000.00	\$ 402.00	\$ 28,140.00	63%	\$ 48,860.00
15 Remove Existing Corp. Stop and Tapping Saddle, and Furnish &	EA	70	\$ 800.00	\$ 56,000.00	\$ 328.00	\$ 22,960.00	59%	\$ 33,040.00
16 Furnish and Install New Service Tap, Including Tapping Saddle &	EA	70	\$ 1,200.00	\$ 84,000.00	\$ 547.00	\$ 38,290.00	54%	\$ 45,710.00
17 Remove Existing Meter Pit Assembly	EA	70	\$ 200.00	\$ 14,000.00	\$ 150.00	\$ 10,500.00	25%	\$ 3,500.00
18 Furnish & Install New Meter Pit Assembly	EA	70	\$ 800.00	\$ 56,000.00	\$ 898.00	\$ 62,860.00	-12%	\$ (6,860.00)
19 Furnish & Install Blank in Existing Meter Pit	EA	70	\$ 150.00	\$ 10,500.00	\$ 82.00	\$ 5,740.00	45%	\$ 4,760.00
20 Remove & Replace Existing Curb Box and Curb stop	EA	70	\$ 1,500.00	\$ 105,000.00	\$ 361.00	\$ 25,270.00	76%	\$ 79,730.00
21 Furnish & Install Insertion Valve on Existing Water Main, Including	EA	10	\$ 12,000.00	\$ 120,000.00	\$ 17,000.00	\$ 170,000.00	-42%	\$ (50,000.00)
22 Remove & Replace Existing Water Main with C-900, DR 18, PVC	LF	700	\$ 175.00	\$ 122,500.00	\$ 52.00	\$ 36,400.00	70%	\$ 86,100.00
23 Furnish & Install C-900, DR 18, PVC Water Main	LF	725	\$ 150.00	\$ 108,750.00	\$ 37.00	\$ 26,825.00	75%	\$ 81,925.00
24 Remove & Replace Existing Fire Hydrant	EA	5	\$ 6,500.00	\$ 32,500.00	\$ 7,763.00	\$ 38,815.00	-19%	\$ (6,315.00)
25 Undercut, Furnish, Install & Compact GABC (#57 Stone)	CY	50	\$ 100.00	\$ 5,000.00	\$ 50.00	\$ 2,500.00	50%	\$ 2,500.00
26 Undercut, Furnish, install & Compact Select Fill	CY	50	\$ 100.00	\$ 5,000.00	\$ 50.00	\$ 2,500.00	50%	\$ 2,500.00
27 Furnish & Install "Cold Patch" Temporary Pavement, including	SF	500	\$ 50.00	\$ 25,000.00	\$ 5.00	\$ 2,500.00	90%	\$ 22,500.00
28 Test Pitting, Including Temporary Restoration	CY	10	\$ 100.00	\$ 1,000.00	\$ 500.00	\$ 5,000.00	-400%	\$ (4,000.00)
29 Secure Modified Proctor Tests	EA	10	\$ 250.00	\$ 2,500.00	\$ 250.00	\$ 2,500.00	0%	\$ -
30 Secure Field Density Tests	EA	10	\$ 250.00	\$ 2,500.00	\$ 250.00	\$ 2,500.00	0%	\$ -
			TOTAL CONTINGENT BID:	\$ 907,250.00	TOTAL CONTINGENT BID:	\$ 567,300.00	37%	\$ 339,950.00
			TOTAL BID:	\$ 1,432,320.00	TOTAL BID:	\$ 1,114,400.00	22%	\$ 317,920.00

SECTION 00300

BID FORM

Proposal of TEAL CONSTRUCTION, INC (hereafter called "BIDDER"), organized and existing under the laws of the State of DELAWARE doing business as A CORPORATION (Insert "a corporation", "a partnership", or "an individual" as applicable) to the City of Milford (hereinafter called "OWNER").

In compliance with the INVITATION TO BIDDERS, BIDDER hereby proposes to perform all WORK for SE SECOND STREET UTILITY, CURB, & SIDEWALK IMPROVEMENTS, CONTRACT NO. 2019-WA-02., in strict accordance with the CONTRACT DOCUMENTS, within the time set forth herein, and at the prices stated below.

By submission of this BID, each BIDDER certifies that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this CONTRACT on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within 120 CONSECUTIVE CALENDAR DAYS thereafter. BIDDER further agrees to pay, as liquidated damages, an amount of \$500.00 PER CALENDAR DAY as defined in the GENERAL CONDITIONS.

BIDDER acknowledges receipt of the following ADDENDA:

N/A

BIDDER'S ACKNOWLEDGEMENT OF CITY'S ABILITY TO ADJUST QUANTITIES	INITIAL BELOW
BIDDER acknowledges the estimated quantities listed below may be increased or decreased at the sole discretion of the City.	CWR

This BID includes sales tax and all other applicable taxes and fees. BIDDER agrees to perform all the WORK described in the CONTRACT DOCUMENTS for the following unit prices or lump sum:

ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1. Mobilization/Demobilization (Max 3% of Total Bid)	LS	1	\$31,750. ⁰⁰	\$31,750. ⁰⁰
2. Excavate Existing Water Service Connection at Main	EA	70	850. ⁰⁰	59,500. ⁰⁰
3. Re-use Existing Corp. Stop, Furnish & Install New Water Service via Bore Method, including Backfill and Compact.	LF	1000	47. ⁰⁰	47,000. ⁰⁰
4. Remove & Replace Existing Sanitary Sewer Main with PVC DR 26 Sewer Main	LF	350	188. ⁰⁰	65,800. ⁰⁰
5. Install New Sewer Manhole (Repair #5)	EA	1	8,200. ⁰⁰	8,200. ⁰⁰
6. Lateral Connection Replacement	EA	3	6,950. ⁰⁰	20,850. ⁰⁰
7. Furnish, Install & Compact Permanent and Temporary GABC, including Maintenance and Removal of Temporary GABC Prior to Asphalt Paving	CY	80	98. ⁰⁰	7,840. ⁰⁰
8. Furnish & Install Hot Mix Asphalt Paving, Type "B"	Ton	40	312. ⁰⁰	12,480. ⁰⁰

ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
9. Furnish and Install Hot Mix Asphalt Paving, Type "C"	Ton	40	\$312. ⁰⁰	\$12,480. ⁰⁰
10. Remove & Replace Existing Concrete Curb	LF	1700	64. ⁰⁰	108,800. ⁰⁰
11. Remove & Replace Existing Concrete Sidewalk, Including Select Base	SF	4600	14. ⁰⁰	64,400. ⁰⁰
12. Traffic Control	LS	1	108,000. ⁰⁰	108,000. ⁰⁰

CONTINGENT ITEMS (TO BE COMPLETED AT DIRECTION OF ENGINEER)				
ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
13. Re-Use Existing Corp. Stop, Furnish & Install New Water service via Open Cut Method, including Backfill and Compact	LF	1000	\$84. ⁰⁰	\$84,000. ⁰⁰
14. Remove Existing Corp. Stop and Tapping Saddle, Re-Use Existing Tap and Furnish & Install New Tapping Saddle & Corp Stop	EA	70	402. ⁰⁰	28,140. ⁰⁰
15. Remove Existing Corp. Stop and Tapping Saddle, and Furnish & Install Full Circle Repair Clamp	EA	70	328. ⁰⁰	22,960. ⁰⁰
16. Furnish and Install New Service Tap, Including Tapping Saddle & Corp. Stop	EA	70	547. ⁰⁰	38,290. ⁰⁰

CONTINGENT ITEMS (TO BE COMPLETED AT DIRECTION OF ENGINEER)				
ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
17. Remove Existing Meter Pit Assembly	EA	70	\$150. ⁰⁰	\$ 10,500. ⁰⁰
18. Furnish & Install New Meter Pit Assembly	EA	70	898. ⁰⁰	62,860. ⁰⁰
19. Furnish & Install Blank in Existing Meter Pit	EA	70	82. ⁰⁰	5,740. ⁰⁰
20. Remove & Replace Existing Curb Box and Curb stop	EA	70	361. ⁰⁰	25,270. ⁰⁰
21. Furnish & Install insertion Valve on Existing Water Main, Including Valve Box	EA	10	17,000. ⁰⁰	170,000. ⁰⁰
22. Remove & Replace Existing Water Main with C-900, DR 18, PVC Water Main	LF	700	52. ⁰⁰	36,400. ⁰⁰
23. Furnish & Install C-900, DR 18, PVC Water Main	LF	725	37. ⁰⁰	26,825. ⁰⁰
24. Remove & Replace Existing Fire Hydrant	EA	5	7,763. ⁰⁰	38,815. ⁰⁰
25. Undercut, Furnish, Install & Compact GABC (#57 Stone)	CY	50	50. ⁰⁰	2,500. ⁰⁰
26. Undercut, Furnish, install & Compact Select Fill	CY	50	50. ⁰⁰	2,500. ⁰⁰

CONTINGENT ITEMS (TO BE COMPLETED AT DIRECTION OF ENGINEER)				
ITEM NO. & DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
27. Furnish & Install "Cold Patch" Temporary Pavement, including Maintenance and Removal of "Cold Patch" Prior to Permanent Asphalt Paving	SF	500	\$5. ⁰⁰	\$2,500. ⁰⁰
28. Test Pitting, Including Temporary Restoration	CY	10	500. ⁰⁰	5,000. ⁰⁰
29. Secure Modified Proctor Tests	EA	10	250. ⁰⁰	2,500. ⁰⁰
30. Secure Field Density Tests	EA	10	250. ⁰⁰	2,500. ⁰⁰
TOTAL BID (ITEMS 1-30)				<u>\$1,114,400.⁰⁰</u>

SUBCONTRACTOR and SUPPLIER LIST

In accordance with Title 29, Chapter 69, §6962 (d) (10) b. of the Delaware Code, the following SUBCONTRACTOR and SUPPLIER listing must accompany the BID submittal. The name and address (City and State only) of all major material SUPPLIERS and SUBCONTRACTORS must be listed for each category where the BIDDER intends to use a SUPPLIER or SUBCONTRACTOR to perform that category of WORK. In order to provide full disclosure and acceptance of the BID by the OWNER, it is required that BIDDERS list themselves as being the SUBCONTRACTOR or SUPPLIER for all categories where he/she is qualified and intends to perform such WORK.

SUBCONTRACTORS				
	CATEGORY	COMPANY NAME	ADDRESS (CITY, STATE)	DBE (Y/N)
1.	Water	Teal Construction, Inc.	Dover, DE	N
2.	Sewer	Teal Construction, Inc.	Dover, DE	N
3.	Hot Mix	Teal Construction, Inc.	Dover, DE	N
4.	Curb & Sidewalk	Gerald D. Bowman Contractors Inc.	Aberdeen, MD	N
5.				

SUPPLIERS				
	CATEGORY	COMPANY NAME	ADDRESS (CITY, STATE)	DBE (Y/N)
1.	Water	Core + Main	Milton, DE	N
2.	Sewer	Core + Main	Milton, DE	N
3.	Hot Mix	Tri County Materials	Dover, DE	N
4.	Curb + Sidewalk	Atlantic Concrete	Milford, DE	N
5.				

BIDDER Please Note:

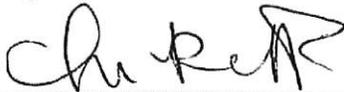
The OWNER reserves the right to accept or reject any or all BIDS. The OWNER may elect to delete some or all portions of any BID item, shown above and described in the CONTRACT DOCUMENTS, or accept any or all alternate BID items, in any order, such that the best interests of the OWNER are served.

By submission of this BID, BIDDER certifies that: (1) he is licensed, or has initiated the license application, as required by Title 30, Chapter 25, §2502 of the Delaware Code; (2) he has not, either directly or indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this submitted proposal; and (3) he comprehends the bidding requirements set forth in the CONTRACT DOCUMENTS and herein and is thoroughly familiar with the provisions of the CONTRACT DOCUMENTS.

BIDDER agrees that this BID shall be good and may not be withdrawn for a period of **one-hundred eighty (180) days** after the scheduled closing time for receiving BIDS. Upon receipt of written notice of the acceptance of this BID, BIDDER will execute the formal CONTRACT, attached to said notice, within **twenty (20) days** and deliver a Surety BOND or BONDS as required by the INFORMATION FOR BIDDER.

The BID security attached in the sum of \$ 111,440.⁰⁰, representing **ten percent (10%)** of the total Project BID, is to become the property of the OWNER in the event the CONTRACT and BONDS are not executed within the time above set forth, as liquidated damages for the delay and additional time expense to the OWNER caused thereby.

Respectfully submitted:



Signature

OCTOBER 9, 2019

Date

SECRETARY / TREASURER

Title

612 MARY STREET

Address

1989013374

License Number (If applicable)

DOVER, DE 19904

Address (cont'd)

Seal - (if bid is by a corporation)

END OF SECTION

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SECTION 00370

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the Undersigned,
Teal Construction, Inc., as PRINCIPAL, and
Travelers Casualty and Surety Company of America, as SURETY, are hereby
held and firmly bound unto the City of Milford, as OWNER, the penal sum of
Ten Percent of the Amount Bid, (\$ -- 10% --) for the
payment of which, well and truly to be made, we hereby jointly and severally bind ourselves,
successors and assigns.

Signed, this 9th day of October, 2019.

The condition of the above obligation is such that whereas the PRINCIPAL has submitted to the City of Milford a certain BID, attached hereto and hereby made a part hereof to enter into a CONTRACT in writing, for the SE SECOND STREET UTILITY, CURB, & SIDEWALK IMPROVEMENTS, CONTRACT NO. 2019-WA-02.

NOW, THEREFORE,

- A. If said BID shall be rejected, or
- B. If said BID shall be accepted and the PRINCIPAL shall execute and deliver a CONTRACT in the form of CONTRACT attachment hereto (properly completed in accordance with said BID) and shall furnish a BOND for faithful performance of said CONTRACT, and for the payment of all persons performing labor and furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the SURETY for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The SURETY, for value received, hereby stipulates and agrees that the obligations of said SURETY and its BOND shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such BID; and said SURETY does hereby waive notice of any extension.



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Frederick A Pung** of **COLUMBIA Maryland**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **3rd** day of **February**, 2017.



State of Connecticut

City of Hartford ss.

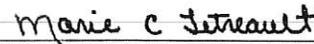
By: 
Robert L. Raney, Senior Vice President

On this the **3rd** day of **February**, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2021




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

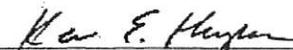
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **9th** day of **October**, 2019




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**



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: Sidewalk Inspection Program
Low Income Options
Date: October 1, 2019

Background: Over the past four years, Council has discussed various funding options for the sidewalk program. During the 2016 Budget discussions, money set aside for sidewalk replacement as recommended by the Finance Director, was removed by Council based on Council's understanding that property owners were responsible for the sidewalk replacement. Low income options were discussed at the November 27, 2017 Public Works Committee meeting, the October 8, 2018 and March 25, 2019 Council meetings. Based on these discussions, the low-income option would involve placing a lien on properties that would be satisfied at the time of property sale. Additionally, other avenues were researched (CDBG, Safe Routes to School, etc.), and no State or Federal money was identified as being available for low income residents. Additionally, Council decided to financially assist all residents by:

1. Replacing all sidewalks affected by water meter pits, sewer cleanouts, utility poles, street signs, hydrants, and street trees/street tree roots
2. Waving all inspection costs;
3. Provide a 15% discount if property owner chose the City's contractor to replace sidewalk blocks and pay invoice in full at time of billing.
4. Provide a 60-month payback for sidewalk replacement with no interest.

At the August 26, 2019 Council meeting, Council asked the Finance and Public Works Committee to devise a low-income option for residents with sidewalks needing replaced.

Discussion: Presently, the only program Council provides for low-income is property taxes. The low-income option is for persons 65 years or older only, with a single income of less than \$15,000/year or joint income of \$25,500/year. The property tax abatement is for an exemption of \$40,000 of assessed value, which would equate to \$184 in 2020. A copy of the qualifications is attached.

The federal government defines Low Income at 80% of the median income for the area, and Very Low Income at 50% of the median income for the area. As an example, for Kent County, the Median Income for a single person household is \$46,833. Low Income would be defined as a single person household earning less than \$37,450. Very Low Income would be a single person household earning less than \$23,450. A chart for Kent and Sussex County income levels is attached.

There are 13 property owners who qualify for the low-income over 65 tax reduction that also has sidewalk to be replaced. Unfortunately, it is unknown how many property owners qualify for the low-income or very low-income status.

Staff discussed CDBG options with Kent and Sussex Counties. Under the low-income guidelines, infrastructure grants are available for 80% of the cost, however, individual properties are not qualified for CDBG grants. The municipality could apply for a grant for sidewalk replacement for specific streets that meet the low-income guidelines for the properties that abut the street. Staff did apply for such a grant in 2019 for West Street sidewalks, but the grant request was not awarded because it was not economical.

The breakdown of number of properties by number of sidewalk blocks needing replaced is as follows:

Number of blocks	Number of Properties	Max Monthly Cost if Financed 60 months
1 – 5	209	\$ 27.08
6 – 10	48	\$ 54.16
11 – 15	15	\$ 81.24
16 – 20	3	\$108.32
>21	11*	>\$108.32

* - 2 properties are owner occupied; 9 are rentals

Options: The following are options to be consider:

- Continue the program as currently approved – The financial incentives and assistance already approved by City Council (see list in Background) would continue. The lien option for low income property owners would be used for those who cannot afford or who choose not to pay for sidewalk repairs. In essence, value is added to the property when the sidewalks are repaired, and that value would be realized at the time of sale.
- Establish and fund a low or very low-income subsidy: This would require establishment of criteria, allocating financial resources, and allocating staff resources to administer. The following section outlines a possible set of criteria for such a program.

Establishing Criteria: Possible criteria if consideration is to be given to low-income assistance:

1. Only properties with 6 or more sidewalk blocks to be replaced will be considered
2. Properties must be owner-occupied.
3. Copy of the owners' most recent Federal Income Tax Return must be submitted showing the address of property, number of dependents, and adjusted gross income.
4. Property owners showing they meet the definition of low-income (80% of Median Income) shall receive the following discounts:
 - a. If property owner has between 6 & 10 blocks to be replaced – 15% discount on blocks over the first 5;

- b. If property owner has between 11 & 15 blocks to be replaced – 15% discount on blocks over the first 5 and 30% discount on blocks over 10;
- c. If property owner has between 16 & 20 blocks to be replaced – 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15;
- d. If property owner has 21 or more blocks to be replaced – 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15 and 80% discount on blocks over 20.

Funding: Real Estate Transfer Tax revenue is earmarked for infrastructure, and sidewalks would be an eligible. Municipal Street Aid is also available; however Municipal Street Aid presently has inadequate funding for planned street improvements.

Other Consideration: There are many unknowns with this proposal, in particular, how many overall participants will there be. A considerable amount of staff time within the Finance Department maybe needed to administer the program.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS
(EFFECTIVE 6/28/19)

	<u>Kent County</u>			<u>Sussex County</u>		
	30% of Median Moderate	Low		30% of Median Moderate	Low	
1 Person	\$14,050	\$23,450	\$37,450	\$15,200	\$25,250	\$40,400
2 Person	\$16,050	\$26,800	\$42,800	\$17,350	\$28,850	\$46,200
3 Person	\$18,050	\$30,150	\$48,150	\$19,500	\$32,450	\$51,950
4 Person	\$20,050	\$33,450	\$53,500	\$21,650	\$36,050	\$57,700
5 Person	\$21,700	\$36,150	\$57,800	\$23,400	\$38,950	\$62,350
6 Person	\$23,300	\$38,850	\$62,100	\$25,150	\$41,850	\$66,950
7 Person	\$24,900	\$41,500	\$66,350	\$26,850	\$44,750	\$71,550
8 Person	\$26,500	\$44,200	\$70,650	\$28,600	\$47,600	\$76,200

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

City of Milford



PUBLIC NOTICE

QUALIFICATIONS FOR RESIDENTS 65 OR MORE YEARS OF AGE FOR CITY OF MILFORD PROPERTY TAX EXEMPTION **DEADLINE – FRIDAY, MAY 31, 2019**

NOTICE IS HEREBY GIVEN that those persons who meet the following requirements should file a Property Tax Exemption Application with the City of Milford:

- * Every person 65 or more years of age having an income not in excess of \$15,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$40,000 of assessed valuation of such real property.
- * In the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed \$25,500 per year, exclusive of social security and railroad pensions.
- * Every claimant shall sign a statement that he or she is a resident of the City of Milford, of the age of 65 years, the owner and resident of a dwelling which is a part of the real property for which such exemption is claimed and has been a resident of that property for a period of at least one year prior to October 1st of this year.
- * Such applicant shall provide proof that his or her income from all sources including capital gains, pension and annuities for the yearly period did not exceed the income described in #1, exclusive of social security and railroad pensions.
- * No exemption shall be allowed except on written application, on a form prescribed by the City of Milford Customer Service, 119 South Walnut Street, Milford, Delaware 19963.
- * APPLICATIONS will be based on information for the previous tax year and **MUST BE RECEIVED BY THE BILLING DEPARTMENT NO LATER THAN THE CLOSE OF BUSINESS ON FRIDAY, MAY 31, 2019.**
- * Please call 302-422-6616 for additional information.

MUNICIPAL SIDEWALK REPAIR SURVEY RESULTS

Municipalities (12) that took the survey include:

- Seaford
- Newark
- Lewes
- Townsend
- Ocean View
- Bridgeville
- Cheswold
- Henlopen Acres
- Elsmere
- Greenwood
- Millsboro
- One did not identify

1. Does your municipality have an ordinance requiring property owners to maintain public sidewalks adjacent to municipal streets?

Yes: 8

No: 4

Comments:

- For snow removal
- It is a simple statement within our Land Use Ordinance
- Henlopen Acres does not have sidewalks

2. Does your municipality have a sidewalk inspection program?

Yes: 3

No: 8

Comments:

- Inspections for ADA compliance only
- Split into five districts; one district inspected per year
- We typically respond to complaints

3. If your municipality DOES have a sidewalk inspection program, does your municipality send notices to the property owner on the need to repair/replace sidewalks?

Yes: 3

No: 1

Not applicable: 7 My municipality does not have a sidewalk inspection program

Comments:

- No but our Code Enforcement Officer will notify property owners in writing of needed sidewalk repairs
- We do this on a limited basis

4. Once property owners are notified, how long do you give property owners to complete sidewalk repairs and replacements?

30 days: 1

60 days: 0

90 days: 0

6 months: 0

Over 1 year: 0

This question is not applicable to my municipality: 6

Other, please specify: 4

- Currently done on a case by case basis
- Has not been an issue
- Depends on the severity of the problem and the discussion that we have with the property owner
- Initial notice is 90 days, after 90 we do a second inspection and issue a 30-day notice, after 30 we do a third inspection with a 14-day notice, then we make the repair after that 14-day window

5. If a property owner fails to repair or replace their sidewalks in the time given, does your municipality:

Replace the block(s) and bill the property owner for the cost: 1

Issue a fine: 0

Other (please specify): 7

- Not applicable (3)
- Fine, then give another 30 days. If not done, second fine and town has the work done and bill the owner
- Both of the above, as applicable
- Never been an issue
- We can replace but we seldom do—it's a last resort

6. For the repayment of the sidewalk block cost, does your municipality do any of the following? Please check all that apply:

Charge interest or fees: 1

Provide for a repayment plan over several months/years: 2

None of the above: 5

Other (please specify): 4

- Hasn't happened to date, but we would charge interest and fees plus provide term payment opportunities
- We do nothing except order the repair
- We offer a 4-year interest free sidewalk loan program to the residences
- We make the repairs and bill for 150% of the cost of the repair

7. Does your municipality provide payment alternatives for persons qualifying as "low income" for sidewalk repair/replacement costs?

Yes—payment alternatives: 0

Yes—funding assistance: 0

Yes—both payment alternatives and funding assistance: 0

No: 10

Comments:

- Hasn't occurred to date, but we would do both
- N/A

To: Finance and Public Works Committee
From: Jason James, Chairman of Finance and Public Works Committee
Subject: Sidewalk Maintenance and Repair
Date: October 14, 2019

This matter was assigned to the Finance and Public Works Committee as a result of Councilman Todd Culotto bringing to councils' attention that the options detailed in the letter that went out to the property owners did not include all of the options provided by the city code. The particular omission of the code was Chapter 197- §197-5 ***D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.***

While there is appreciation for the exemption options recommendations offered in the memo dated October 1, 2019 from the Public Works Director, Mark Whitfield, the recommendations do not adequately address §197-5-D. There is no mention of the determination of the availability of City funds. The options offered nor the criteria recommended were not developed in conjunction with the Finance and Public Works Committee.

Instead of entertaining the options offered in the memo dated October 1, 2019, I recommend the following:

1. The City of Milford fund 50% of the cost of sidewalk repair and maintenance for all property owners regardless of income.
2. The City of Milford fund 75% of the cost of sidewalk repair and maintenance for property owners meeting the Very Low Income criteria (50% of the area median income); *and* The City of Milford fund 50% of the cost of sidewalk repair and maintenance for property owners meeting the Low Income criteria (80% of the area median income) *and* The City of Milford fund 25% of the cost of sidewalk repair and maintenance for property owners that do not meet the Very Low or Low Income criteria.

The documentation required as proof of eligibility for the abatement of sidewalk repair and maintenance cost based on very low- or low-income criteria shall be the same as required for the City of Milford Property Tax Abatement program.

Furthermore, it was brought to my attention that while in the capacity of Acting City Manager, the Finance Director did recommend that \$150,000 be included in the budget annually to accumulate adequate funds to perform the needed repair and maintenance to all of the sidewalks within the City. This was approved, but afterward withdrawn when there was a turn-over of council members.

I spoke with a Commissioner of the Town of Bridgeville, a town experiencing a similar sidewalk situation. I was told that although the Town issued letters that there was a 30-day period to comply with the code (which is similar to The City of Milford). This issue is still open to allow for an opportunity to find funds in the budget to cover the cost. To my understanding, as of Saturday the Town of Bridgeville believes that they did indeed find the funds to pay for the town's sidewalk repair and maintenance cost.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 15, 2019 @ 7:00 p.m.
City Council Hearing: Monday, October 28, 2019 @ 7:00 p.m.

NOTICE IS HEREBY GIVEN the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-36

Change of Zone/Lands belonging to BSG III, LLC
Tax Map & Parcel(s) 1-30-3.11-055.00, -056.00, -057.00
1.41+/- Acres located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE
Current Zoning: OC-1 (Office Complex)/Proposed Zoning: C-3 (Highway Commercial)

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.41 +/- acres of real property from OC1 to C3 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE. Tax Map and Parcel(s): 1-30-3.11-055.00, -056.00, -057.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application and hold a Public Hearing on Tuesday, October 15, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on Monday, October 28, 2019 to allow for additional public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 1-30-3.11-055.00, -056.00, -057.00, owned by BSG III, LLC located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE, is hereby zoned C3.

Dates:

Planning Commission Public Hearing: October 15, 2019

City Council Introduction: October 14, 2019

City Council Public Hearing: October 28, 2019

Adoption: October 28, 2019

Effective: November 7, 2019

Additional information may be obtained by contacting the Planning Office at 302-424-8396 or by emailing rpierce@milford-de.gov.

Advertise: Beacon 09/25/19



BALTIMORE AIRCOIL COMPANY

1162 Holly Hill Road Milford, DE 19963 · tel 302.424.2558 · fax 302.422-2850 · www.BaltimoreAircoil.com

08/15/19

City of Milford
Rob Pierce, Planning & Development Director
201 S. Walnut Street
Milford, DE 19963

RE: Request for Annexation

Property Address: 1162 Holly Hill Road, Milford, DE 19963
Owner: Baltimore Aircoil Company, Inc.
Tax Parcel # MD-00-182.00-01-14.00-000

Dear Mr. Pierce,

Please accept this letter as a formal request for annexation of the above referenced parcel located at 1162 Holly Hill Road, Milford, DE 19963 containing the existing Baltimore Aircoil Company, Inc. (BAC) manufacturing facility and 49.6 +/- acres. BAC respectfully requests the property be zoned I-2 (General Industrial) which is consistent with the City's Comprehensive Plan future land use exhibit and the existing and proposed uses on the property.

Regarding the Annexation Fee we request deferment of the payment until Annexation is complete and agree to remit payment no more than 30 days from the date of annexation. In the unlikely event payment hasn't been made within 30 days we agree to have the fee added to our Tax Bill.

Please contact me with any questions.

Sincerely,

Stephen Tsotsoros
Plant Manager, Milford DE

Notarized

Kahlina Dudley 8/16/2019
KAHLIMA DUDLEY
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND
MY COMMISSION EXPIRES AUG. 17, 2022



Land Use Application Cover Sheet

File Name: _____

Date Stamp

File Number: _____

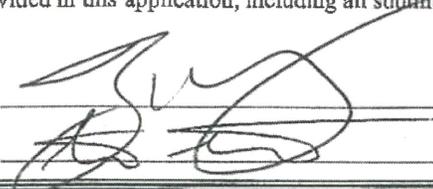
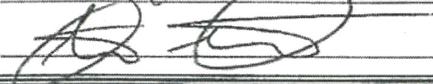
Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner(s): <u>Baltimore Aircoil Company</u>			Phone: 410-799-6200
Address: 7600 Dorsey Run Road			Cell: 410-302-2366
City: Jessup	State: MD	Zip: 20794	Fax:
E-Mail: <u>tbuzby@baltimoreaircoil.com</u>			
Applicant Name and Company: <u>Stephen Tsotsoros Baltimore Aircoil Co</u>			Phone: 302-424-2556
Address: <u>1162 Holly Hill Rd</u>			Cell: 302-228-9745
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>stotsoros@baltimoreaircoil.com</u>			
Surveyor or Engineer: <u>Becker Morgan Group</u>			Phone: 302-734-7950
Address: <u>309 S Governors Ave</u>			Cell:
City: <u>Dover</u>	State: <u>DE</u>	Zip: <u>19904</u>	Fax:
E-Mail:			
Site Address: <u>1162 Holly Hill Rd Milford, DE</u>			Zoning: <u>I-2</u>
Tax Map & Parcel Number(s): <u>MD-00-182.00-01-14.00-000</u>			Acreage: <u>49.6 ±</u>
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner(s): 			Date: <u>8/16/19</u>
Signature of Applicant(s): 			Date: <u>8-15-19</u>
Office Use Only:			
<input type="checkbox"/> Current on Utilities <input type="checkbox"/> Current on Taxes <input type="checkbox"/> No Outstanding Violations			

REVISED: 05.2016



Annexation Application

File Name: _____

Date Stamp

File Number: _____

A Land Use Application for Annexation is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Current County Zoning: _____ Requested Zoning: _____ Comprehensive Plan Designation: _____

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.		
<input checked="" type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:		
	A. Site address;		
	B. Tax map number (s);		
	C. Size of property in acres;		
	D. Reasons for request;		
	E. General location description (proximity to closest roadways, streets and intersections).		
<input checked="" type="checkbox"/>	3. A full legal description of the property in Word format.		
<input checked="" type="checkbox"/>	4. Current recorded deed showing legal description and ownership.		
<input type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:		
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;		
	B. Date, scale and north arrow;		
	C. Existing right-of-ways and improvements;		
	D. Existing utilities;		
	E. Existing natural features;		
	F. Existing structures and other improvements;		
	G. All structures, natural features and other improvements on abutting property.		
<input type="checkbox"/>	6. Application fee (see page 2).		

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner:  Date: 8/16/19

Signature of Applicant:  Date: 08/15/19

FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014

*ORDINANCE 2005-1
(Section 8 Annexation Requests)*

Section 230-57 of Chapter 230, Zoning, of the Code of the City of Milford, is hereby amended by adding the following fees for annexation requests, zoning inspections, utility agreements and the City Subdivision and Specifications Manual.

Annexation:

Residential: \$2,500 plus \$100 per acre in excess of five acres (restricted to residential use)

Residential: \$350 (less than one acre, restricted to residential use)

Commercial: \$2,500 plus \$500 per acre

(Mixed Commercial and Residential Requests will be determined by amount of commercial and residential acreage.)

Effective June 2, 2005



TO: Mayor & Council Members
FROM: Annexation Committee
DATE: September 9, 2019
RE: Annexation Committee Report

A public meeting was held in Council Chambers on September 9, 2019 to consider the annexation request for lands described as:

Property Owner:	Baltimore Aircoil Company, Inc.
Location:	1162 Holly Hill Road
Size:	49.25 +/- acres
Existing Zoning:	IL – Limited Industrial (Kent County)
Proposed Zoning:	I-2 – General Industrial
Tax Map and Parcel Number:	MD-00-182.00-01-14.00-000

APPLICANT

A petition by the property owners was submitted on August 15, 2019 to annex 49.25 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcel MD-16-182.00-01-14.00-000 and is located along the south side of Holly Hill Road approximately 3,000 feet south of the Milford-Harrington Highway (Route 14) intersection.

STREETS

The property contains an existing industrial site where all internal roadways and parking lots are privately owned and maintained. The site has access to an existing DeIDOT road. Any modifications of the entrance would require approval from the State of Delaware.

DRAINAGE

The industrial site is already developed. Any future development and expansion of the manufacturing facility would be subject to DNREC storm-water regulations and the owner would be required to obtain any and all permits from the Kent Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned IL (Limited Industrial) in Kent County under the Kent County Levy Court zoning ordinance. The applicant requests the property be zoned I-2 (General Industrial District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by the City of Milford with a small lift station and force main that discharges wastewater into the City's gravity collection system along Milford-Harrington Highway. Future planned improvements associated with the Hickory Glen project will allow the City to abandon this lift station and the wastewater will be conveyed to the new pumping station associated with the residential project.

WATER

City water is not currently available to the site and the closest connection point is 3,000 feet to the east along Milford-Harrington Highway. The property is currently served by a State approved drinking well. The City requests that the owner connect to the water system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC property. The City will require the applicant sign an annexation agreement where CPCN rights will be assigned to the City.

ELECTRIC

The property is currently served by the Delaware Electric Cooperative and the City will not be providing electric service to the property unless mutually agreed upon by BAC, the City and DEC.

TRAFFIC

The existing site has an internal network of parking lots and driveways that are privately maintained. The existing entrances located along Holly Hill Road are permitted by DelDOT and any alteration of the entrances or use of the property would need to be approved by the State of Delaware.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property contains state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). However, the property contains areas of excellent groundwater recharge and would be subject to the City's sourcewater protection ordinance.

AREA LAND USES

The properties to the north and west of the subject parcel are currently used for agricultural purposes. The property to the east is located within the City of Milford and is being developed by Nutrien Ag Solutions as an industrial site. The property to the northeast, known as the proposed Hickory Glen subdivision, is currently used for agricultural purposes but is in the final subdivision and site plan review process for 399 residential units. The subject parcel is bound on the south by an active railroad. The property to the south of the railroad, known as the Draper Farm, is annexed into the City as R-2 but is currently undeveloped and used for agricultural purposes.

FIRE AND POLICE

The subject parcel is located within the Carlisle Fire Company district area according to Kent County's online mapping application. Carlisle Fire Dept. already provides fire and EMS coverage to this area. EMS is also currently provided by Kent County Levy Court. Milford Police Department will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Industrial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will generate new property tax revenue to the City along with revenues for any future expansion of the facility.

ADVANTAGES TO THE CITY

- 1. The property is within the planning area of the City of Milford.
- 2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
- 3. Potential for additional water.
- 4. The annexation would satisfy the requirement to annex as stated in the 2006 Sewer Collection Agreement signed by both the City and BAC.
- 5. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
- 6. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

- 1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

- 1. Annexation is consistent with the “Comprehensive Land Use Plan.”
- 2. Property is contiguous to existing City Limits.
- 3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- 4. Property is already served by City Sewer and should be served by City Water in the future.
- 5. The annexation will benefit the City through additional revenues, including property taxes.
- 6. An executed Annexation Agreement is required prior to final City Council approval.
- 7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: I-2 (General Industrial)

Council Representative/Committee Chairman

Date

Council Representative

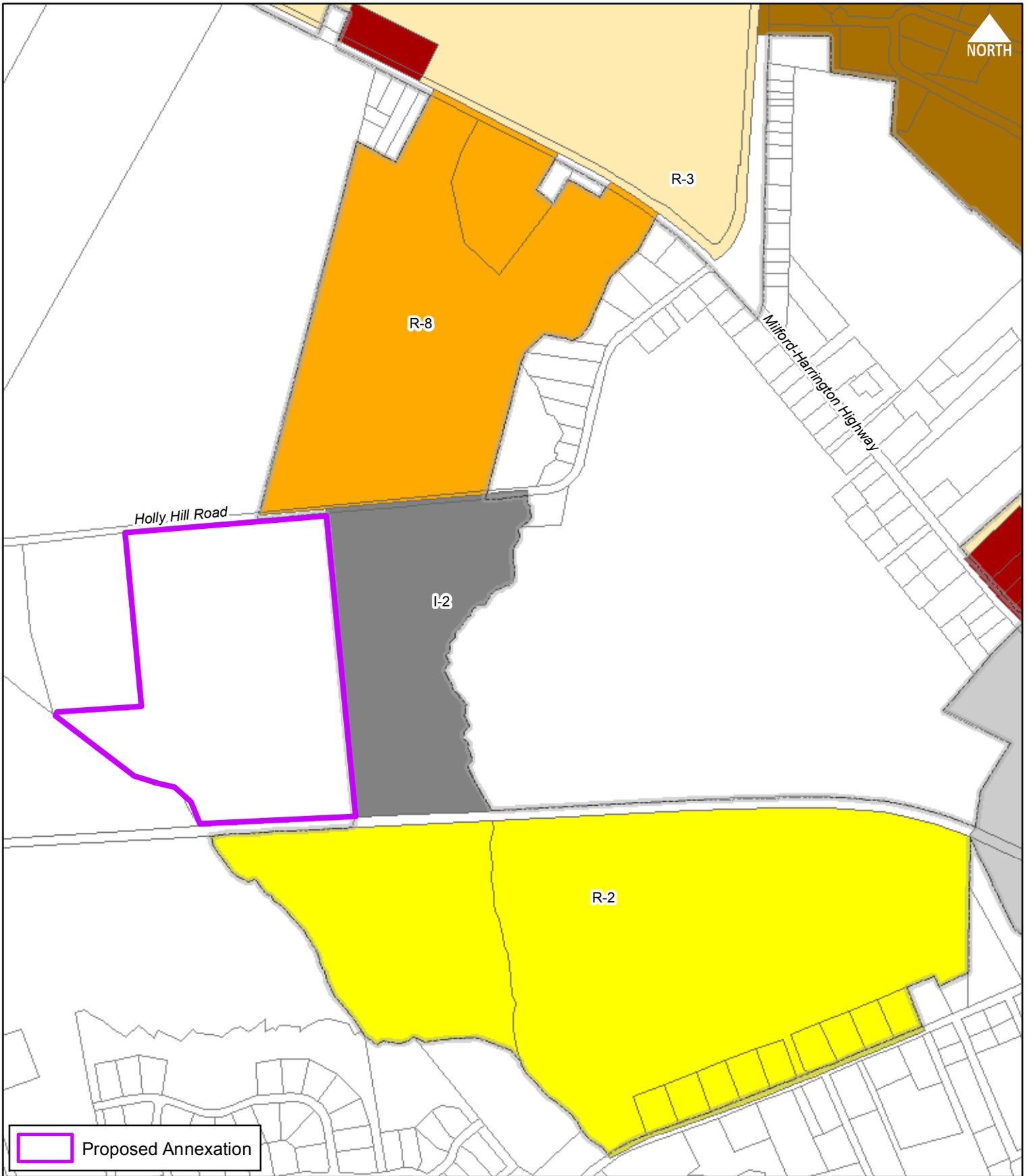
Date

Council Representative

Date

Planning Commission Chairman

Date



 Proposed Annexation



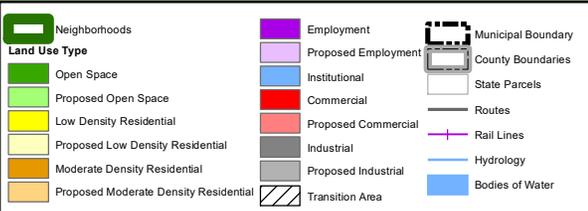
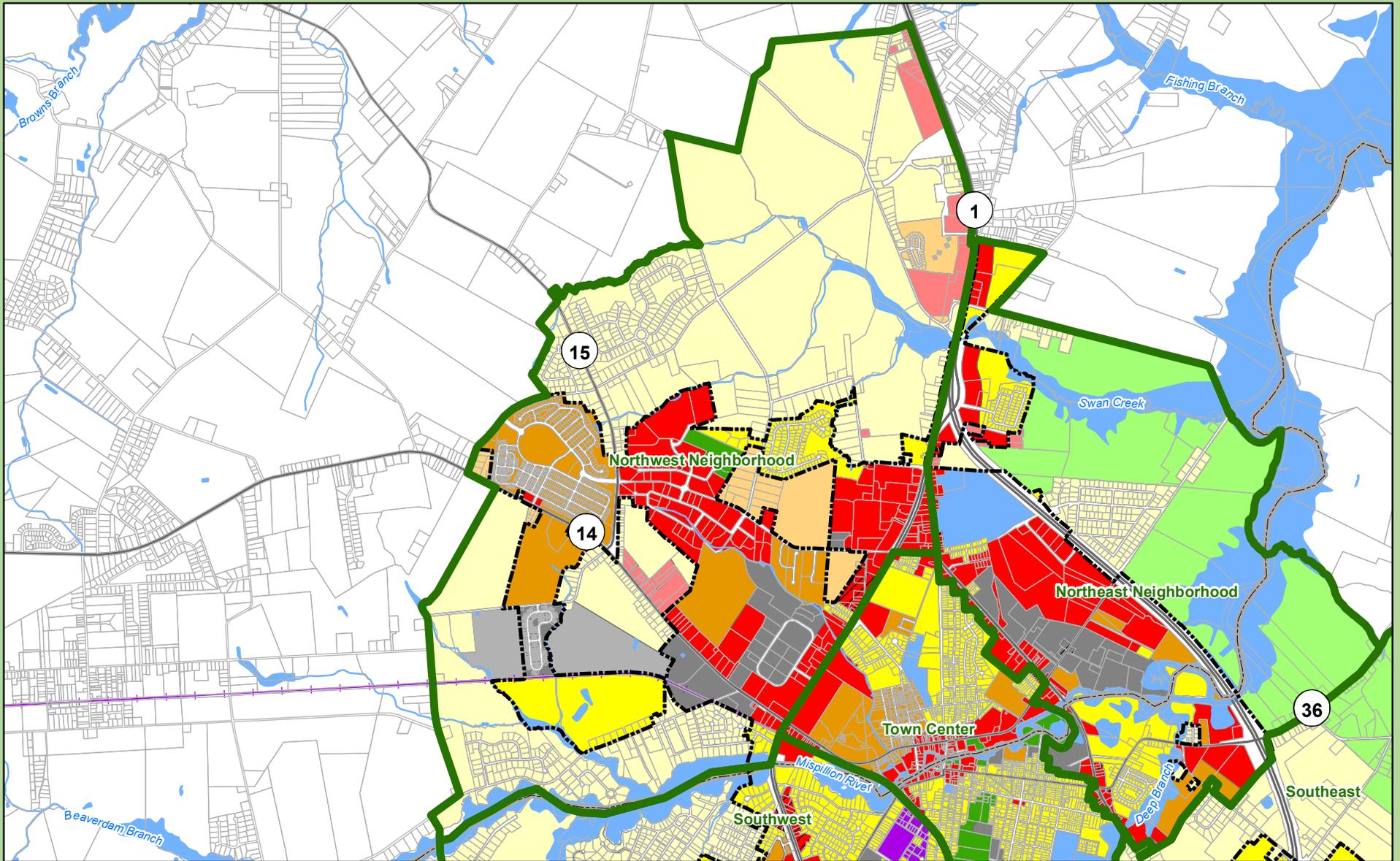
Scale:  Feet
0 375 750

Drawn by: WRP Date: 03/15/18

Title:

**Proposed Annexation
Baltimore Aircoil Company
Location & Zoning Map**

Filepath: Annexation_BaltimoreAircoilCompany.mxd

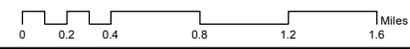


City of Milford, Delaware

Future Land Use

Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



www.ipa.udel.edu
 Institute for Public Administration

Tax Parcel No. MD-00-182.00-01-14.00-000

Prepared by: Planning & Zoning

City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: The Honorable Arthur J. Campbell, Mayor

City of Milford, 201 S. Walnut St.
Milford, DE 19963

BALTIMORE AIRCOIL COMPANY, INC. PLAN OF SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2019, by and between BALTIMORE AIRCOIL COMPANY, INC. (hereinafter “BAC”) whose principal location is located at 1126 Holly Hill Road, Milford, Delaware 19963, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter “City”).

RECITALS

- A. WHEREAS, BAC is the record title owner of a parcel of land consisting of 49.25 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No. MD-00-182.00-01-14.00-000, said tract hereinafter referred to as “BAC PROPERTY”.

BAC is desirous of having the BAC PROPERTY annexed into the City of Milford and requested the land use to be Industrial in nature.

- B. WHEREAS the City, through its City Council (in consultation with the City Solicitor and City Planner), has duly considered the proposed annexation and has determined that the proposed annexation would be in the City’s overall best interest for the following reasons among others:

1. The property would be within the planning area of the City of Milford.
2. Identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
3. Consistent with the Future Land Figure of the 2018 Comprehensive Plan.

- C. Recognizing that BAC’s request for annexation is unilateral (in that the City cannot annex the BAC PROPERTY unless BAC desires the property to be annexed) and further recognizing that the intended land use is consistent with the City’s Land Use Plan, and can be accommodated within the City’s long range Comprehensive Plan, the City

Council has determined that it is in the City's best interest to provide BAC with binding assurances to proceed with annexation.

- D. Article I, Section 1.04 of the City Charter of the City of Milford (pursuant to Chapter 148, Volume 72, Laws of Delaware {as amended}) authorizes and empowers the Mayor of the City of Milford to appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation.

NOW THEREFORE, in consideration of the premises, and in consideration of BAC's request to be annexed into the City of Milford, in consideration of \$27,125.00 to be paid no later than October 31, 2019 to the City by BAC for filing and administrative expenses, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Annexation Contingency. This Agreement is expressly contingent upon the annexation, by the City, of the BAC PROPERTY. In the event that such annexation does not occur, this Agreement shall be null, void, and of no legal force or effect.
2. Land Subject to Annexation. The land subject to this Agreement consists of 49.25 acres, more or less, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No.MD-00-182.00-01-14.00-000.

The hereinabove described parcel of land is more fully depicted on that certain Survey "Baltimore Aircoil Company, Inc.," dated February 12, 2018, prepared by Becker Morgan Group a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; metes and bounds description for parcel is attached hereto as Exhibit "B" and incorporated herein by specific reference.

3. Water Distribution System and Sanitary Sewer. Notwithstanding any other provision or requirement under any City ordinance or regulation, BAC agrees that the BAC PROPERTY will be connected to the City water distribution system if and when water service becomes technically available at a connection point located along Holly Hill Road, within the BAC Property. The actual Equivalent Dwelling Units (EDU's) cannot be calculated at this time and shall be determined when the time of connection occurs. The parties agree that BAC is connected to City sanitary sewer and at its sole expense shall be responsible for the upgrade to any and all infrastructure to accommodate any future increase in EDU's from its existing capacity. BAC agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.
4. Electric Distribution System. The property currently obtains electric service through Delaware Electric Cooperative and notwithstanding any annexation of the BAC Property into the City, BAC shall have the right to select the electric utility provider of its choice for service to the BAC Property.

5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The BAC shall be annexed as City district I-2 General Industrial District and shall be developed in accordance with said district. Nothing in this agreement shall remove or eliminate the owner from the necessary site plan reviews, fees, public hearings and all other requirements under the City's Land Use Ordinance.
5. City Not Responsible for Infrastructure Improvements; BAC Right to Assign.

Anything herein to the contrary notwithstanding:

- a) The City shall have no obligation or responsibility (financial or otherwise) for providing, installing, or constructing any of the required infrastructure improvements;
 - b) BAC may, with the City's prior written consent, which shall not be unreasonably withheld, sell, lease, or convey all or any portion of BAC PROPERTY to any third party and, as part of such sale, lease, or conveyance, assign all or any of its rights and *corresponding obligations* hereunder to such third party.
6. Except as Modified, All Other City Ordinances and Regulations to Control. Except as specifically provided herein, once finally annexed into the City of Milford, all lands subject to this Agreement shall be subject to and governed by all provisions of the City Charter and all City ordinances and regulations as they now exist or may hereafter be amended, revised, or repealed, as well as any new ordinances or regulations adopted by the City Council, to the same effect and degree as all other lands within the City boundaries of the City of Milford.
 7. Annexation Agreement to be a Material Part of Annexation Proceedings. Pursuant to Title 22, Delaware Code §101 Plan of Services Reporting, this Agreement shall be deemed to be a material part of the annexation proceedings conducted pursuant hereto; that is to say:
 - a. The resolutions and notices adopted by the City Council, including any resolution and notices for public hearings, proposing the aforesaid annexation shall recite that the proposed annexation includes, and is subject to, an annexation agreement, shall briefly summarize the terms of this annexation agreement, and shall state that copies of the annexation agreement are available upon request at the City Hall.
 - b. If the results of the annexation hearings are favorable to the proposed annexation, the final resolution annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such annexation agreement by specific reference.

8. Land Use Planning Act. The City of Milford shall notify the Delaware State Planning Office, Kent County Department of Public Works, Milford Police Department, Carlisle Fire Department and Milford School District of the proposed annexation contemplated by this Agreement and the parties shall comply with the requirements of the Delaware Land Use Planning of Title 29 of Delaware Code, Chapter 92 (Land Use Planning Act effective until February 14, 2004; Preliminary Land Use Services effective February 14, 2004), as amended.
9. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.
10. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
11. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.
12. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.
13. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
14. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.
15. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.
16. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.
17. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.
18. Recording. This agreement, dully executed by the City and BAC, shall be recorded in the office of the Recorder of Deeds, in and for Kent County,

Delaware. The cost of recording shall be paid by BAC.

- 19. Plan of Services Requirement. This Agreement shall not be considered or deemed to be contract zoning. The parties hereto acknowledge their respective obligations to enter into a Plan of Services Agreement as part of the annexation process according to 22 Del.C., §101(3) and Milford City Charter Article 1.04(a)(3).

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BALTIMORE AIRCOIL COMPANY, INC.

Attest: _____

By: _____

CITY OF MILFORD

Attest: _____
City Clerk

By: _____ (Seal)
Arthur J. Campbell, Mayor

STATE OF DELAWARE :

:

COUNTY OF KENT :

Signed and sworn to before me this _____ day of _____, 2019, by **NAME**, **TITLE** of Baltimore Aircoil Company, Inc.

Signature of Notary Public

STATE OF DELAWARE :

:

COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2019, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 15, 2019
CITY COUNCIL PUBLIC HEARING: OCTOBER 28, 2019

NOTICE IS HEREBY GIVEN the Planning Commission and City Council will hold public hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street at 7:00 p.m. to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-37

Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated
1162 Holly Hill Road, Milford, DE 19963
Tax Map MD-00-182.00-01-14.00
49.25 +/- Acres
Current Zone IL/Proposed Zone I2

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 49.25 +/- acres of newly annexed lands from IL to I2 at 1162 Holly Hill Road, Milford, DE 19963.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, October 15, 2019, the Planning Commission will hold the noticed public hearing during which interested persons have an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners will be made; and

WHEREAS, City Council will consider evidence presented, public comments and the Planning Commission's recommendation at their hearing on Monday, October 28, 2019, and will deem whether it is in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 49.25 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as I-2 (General Industrial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 4 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Kent County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Introduction to City Council: October 14, 2019

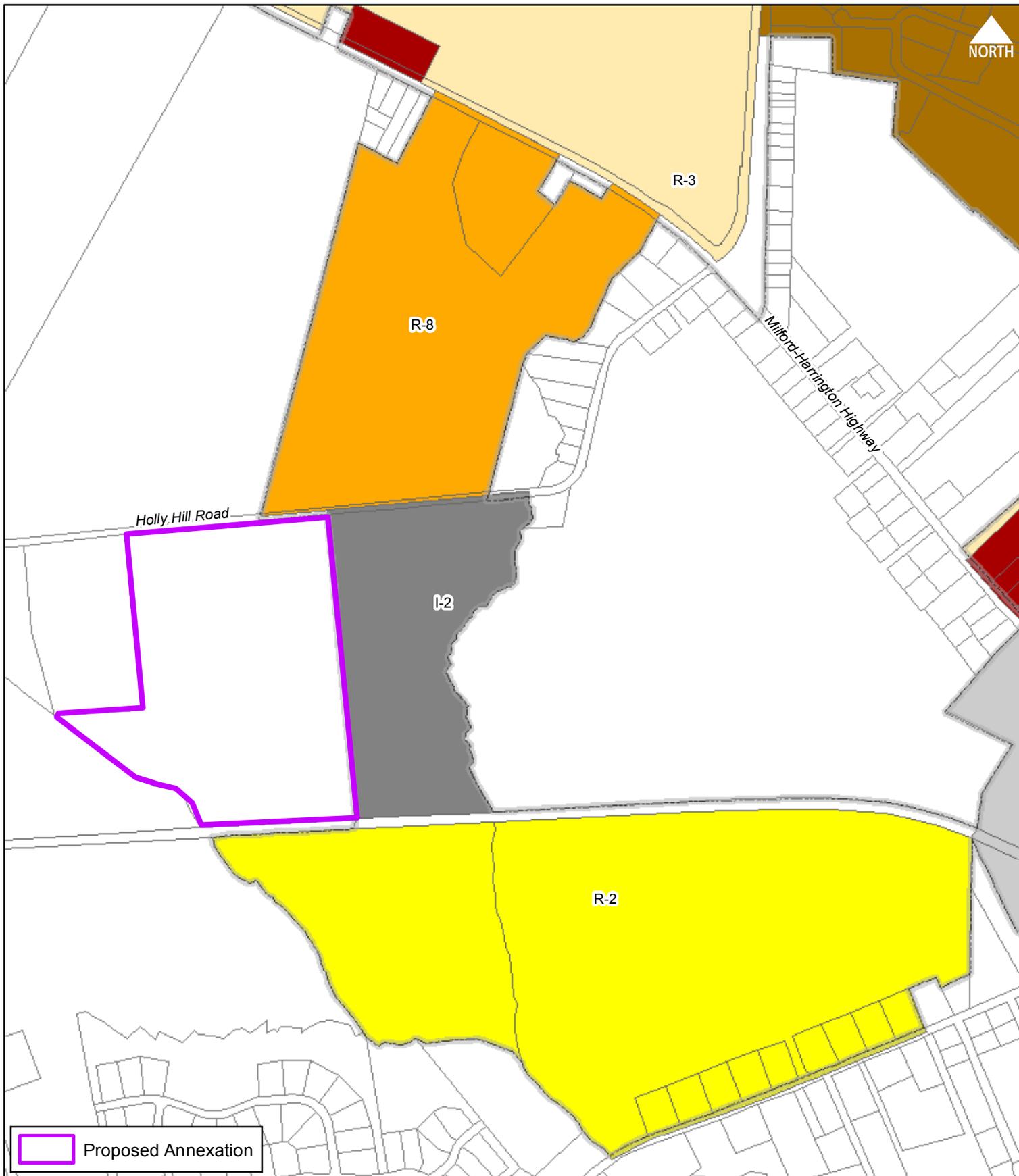
Planning Commission Public Hearing: October 15, 2019

City Council Public Hearing and Possible Adoption: October 28, 2019

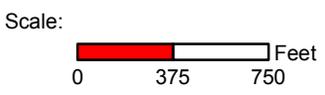
Proposed Effective Date: November 7, 2019

For additional information, including access to Exhibits A and B, please contact Rob Pierce in the Planning Department at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 09/25/19



 Proposed Annexation



Drawn by: WRP Date: 03/15/18

Title:

Proposed Annexation
Baltimore Aircoil Company
Location & Zoning Map

Filepath: Annexation_BaltimoreAircoilCompany.mxd

EXHIBIT B

OWNER: Baltimore Aircoil Company, Inc.
TAX MAP NO.: 05-00-18200-01-1400-00001

49.25 ACRES ±

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 be the same, more or less.



TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

CC: Eric Norenberg, City Manager
Jeff Portman, Finance Director

DATE: October 14, 2019

RE: Demolition – 112 SE Front Street

On April 23, 2018, City Council appropriated \$23,000 from General Fund Reserves to demolish the condemned residential structure located at 112 SE Front Street. The original quote for the Contractor included a quantity item for fill dirt, which the amount needed to fill the basement/foundation area and properly grade the site was unknown at the time of appropriation. The cost to fill the basement and regrade the site was \$5,159. In addition, during the demolition of the structure a neighboring fence needed to be removed in order for equipment to access the rear of the structure. The Contractor removed and replaced the neighboring fence at a cost of \$900.

Therefore, the Planning Department is requesting an additional appropriation of \$6,059 to cover the additional expenses related to fill dirt, restoration and the replacement of the neighboring fence.

The expenses associated with the demolition will be placed on the subject parcels property taxes.

Clark's General Contractors, Inc.

12203 Utica Road
Greenwood, DE 19950

Invoice

Date	Invoice #
9/20/2019	521

Bill To
CITY OF MILFORD 112 S.E. WALNUT STREET MILFORD, DE 19963 ATTN: MR. WILLIAMS

P.O. No.	Terms	Project
I	NET 20 DAYS	

Quantity	Description	Rate	Amount
	CLARK'S GENERAL CONTRACTORS HAVE COMPLETED THE DEMOLITION OF THE HOUSE LOCATED ON 112 S.E. FRONT STREET, MILFORD, DE FOR THE AGREED AMOUNT	23,700.00	23,700.00
	308 YARDS OF DIRT	5,159.00	5,159.00
	REPLACEMENT OF FENCE	900.00	900.00
A 2% INTEREST WILL BE ADDED TO THE TOTAL AMOUNT IF NOT PAID IN FULL		Total	\$29,759.00

John Clark

**COMPREHENSIVE TECHNICAL
 PROPOSAL**

for:

City of Milford

Proposal Number: TR92519

Dated: 9/25/19

BY:

FOR:

**National HVAC Service
 P.O. Box 1500
 North U.S. Route 13
 Seaford, DE 19973**

**City of Milford
 10 SE 2nd Street
 Milford, DE 19963
 Attn: Christine Crouch**

Hereinafter: Contractor

Hereinafter: Customer

SERVICES WILL BE PROVIDED AT THE FOLLOWING LOCATION(S):

IT Server Room Replacement

NATIONAL HVAC SERVICE WILL PROVIDE THE FOLLOWING TO THE CUSTOMER:

Furnish and install one (1) Mitsubishi P-Series 24,000 btu 17.0 SEER ductless split air conditioning system to replace existing. *** Materials, labor, startup, and test.

*** See page 2 for details

Base Proposal Amount: \$6,535.00

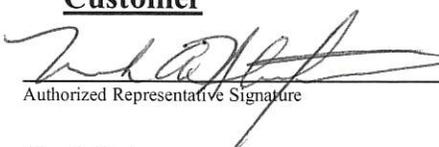
National HVAC Service guarantees the price stated in this Proposal for thirty (30) days from Proposal Date above. Payment terms are balance due upon completion with purchase order, net due thirty (30) days from invoice date.

This proposal is the property of National HVAC Service and is provided for our Customer's use only. This proposal will become a binding Agreement only after acceptance by Customer and approved by an authorized agent of National HVAC Service as evidenced by their signature(s) below. This Agreement sets forth all terms and conditions binding upon the parties hereto: and no person has authority to make any claim, representation, promise or condition on behalf of National HVAC Service which is not expressed herein.

National HVAC Service

Customer

Sales Representative Signature: Thomas L. Rathfon


 Authorized Representative Signature

Thomas L. Rathfon

City of Milford

Approval Signature: Thomas L. Rathfon, Project Manager

Name and Title (Print/Type)

Date

Mark A. White, Acting City Manager
 Date
9/24/19

Proposal Number: TR92519

Dated: 9/25/19

***National HVAC Service Terms and Conditions for:
Project Agreements***

1. Customer shall permit National HVAC Service free and timely access to areas and equipment, and allow National HVAC Service to start and stop the equipment as necessary to perform required services. All planned work under this Agreement will be performed during National HVAC Service's normal working hours.
2. National HVAC Service warrants that the workmanship hereunder shall be free from defects for thirty (30) days from date of installation. If any replacement part or item of equipment is proved defective, National HVAC Service will extend to Customer the benefits of any warranty National HVAC Service has received from the manufacturer. Removal and reinstallation of any equipment or materials repaired or replaced under a manufacturer's warranty will be at National HVAC Service's expense during the thirty (30) day warranty period.
3. Customer will promptly pay invoices within thirty (30) days of receipt. Should a payment become sixty (60) days or more delinquent, National HVAC Service may stop all work under this Agreement without notice and/or cancel this Agreement, and the entire Agreement amount shall become due and payable immediately upon demand.
4. Customer shall be responsible for all taxes applicable to the services and/or materials hereunder, including increased refrigerant taxes and handling charges.
5. Any alteration to, or deviation from, this Agreement involving extra work, cost of material or labor will become an extra charge (fixed-price amount to be negotiated or on a time-and-material bases at National HVAC Service's rates then in effect) over the sum stated in this Agreement.
6. In the event National HVAC Service must commence legal action in order to recover any amount payable under this Agreement, Customer shall pay National HVAC Service all court costs and attorney's fees incurred by National HVAC Service.
7. Any legal action against National HVAC Service relating to this Agreement, or the breach thereof, shall be commenced within one (1) year from the date of the work.
8. National HVAC Service shall not be liable for any delay, loss, damage or detention caused by unavailability of machinery, equipment or materials, delay of carriers, strikes, including those by National HVAC Service's employees, lockouts, civil or military authority, priority regulations, insurrection or riot, action of the elements, forces of nature, or by any cause beyond its control.
9. To the fullest extent permitted by law, Customer shall indemnify and hold harmless National HVAC Service, its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of work hereunder, provided that such claim, damage, loss or expense is caused in whole or in part by any active or passive act or omission of Customer, anyone directly or indirectly employed by Customer, or anyone for whose acts Customer may be liable, regardless of whether it is caused in part by the negligence of National HVAC Service.
10. Customer shall make available to National HVAC Service's personnel all pertinent Material Safety Data Sheets (MSDS) pursuant to OSHA's Hazard Communication Standard Regulations.
11. National HVAC Service expressly disclaims any and all responsibility and liability for the indoor air quality, including but not limited to, mold, bacteria, and microbial contaminants of the Customer's facility, including without limitation injury or illness to occupants of the facility or third parties, arising out of or in connection with National HVAC Service's work performance under this Agreement.
12. National HVAC Service's obligation under this proposal and any subsequent contract does not include the identification, abatement or removal of asbestos or any other toxic or hazardous substances, hazardous wastes or hazardous materials. In the event such substances, wastes or materials are encountered, National HVAC Service's sole obligation will be to notify the Owner of their findings. National HVAC Service shall have the right to suspend its work until such substances, wastes or materials and the resultant hazards are removed. The time of completion of the work shall be extended to the extent caused by the suspension and the contract price equitably adjusted.
13. UNDER NO CIRCUMSTANCES, WHETHER ARISING IN CONTRACT, TORT (INCLUDING NEGLIGENCE), EQUITY OR OTHERWISE, WILL NATIONAL HVAC SERVICE BE RESPONSIBLE FOR LOSS OF USE, LOSS OF PROFIT, INCREASED OPERATING OR MAINTENANCE EXPENSES, CLAIMS OF CUSTOMER'S TENANTS OR CLIENTS, OR ANY SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES.
14. Customer shall provide and have in force a Builders Risk Insurance Policy throughout duration of all phases of project work performed by National HVAC Service.

Proposal Number: TR92519

Dated: 9/25/19

Services Provide by National HVAC Service for:

City of Milford

Base Contract:

One (1) Mitsubishi P-Series 24,000 btu 17.0 SEER ductless split air conditioning outdoor unit 208-230/60/1
w/ low ambient cooling

One (1) Mitsubishi P-Series 24,000 btu 17.0 SEER ductless sidewall cassette w/ remote controller

- Hanging materials sidewall cassette
- Reuse existing condenser pad to set under outdoor unit
- Control wiring from outdoor unit to cassette
- New copper refrigeration lines w/ armafex insulation on suction and liquid lines
- Reconnect to existing condensate piping
- High voltage wiring included to reconnect to existing.
- Startup and operation check

Warranty:

One year on all new parts and labor.

Five year warranty on Mitsubishi parts

Seven year warranty on compressor

The services above are governed by the Terms and Conditions of this proposal.



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: Heavy Duty Truck and Equipment Lifts
Date: October 8, 2019

As part of the 2020 Budget discussions, staff recommended the Finance and Public Works Committee and City Council consider the funding for, and purchase of, mobile heavy-duty lifts for heavy trucks and equipment. The present system does not properly lift vehicles, causing a fear of lift failure, which could cause the vehicle to fall. Additionally, the mechanic must lay on the floor underneath the vehicle which is less than ideal situation for repairs. Purchasing heavy-duty lifts would allow the vehicles and equipment to be placed higher, where they can be safely and easily serviced from underneath, allowing for better lighting and range of motion. Use of in-house heavy-duty lifts will also increase productivity for crews on the roads by diminishing the downtime incurred by utilizing outside garages for repairs.

During the budget discussion, I pointed out that placing the cost of the lifts in the Garage budget was somewhat unfair, since the garage budget is funded by the hourly rate of the mechanic. Due to this funding scenario, Police would pay a substantial amount of the lift cost, and would not receive the benefit of use.

Staff has devised two funding scenarios: 1) divide the cost among the divisions with heavy trucks and equipment on a per vehicle basis, or 2) fund the lifts 25% each from Sewer and Water Reserves and 50% from Electric Reserves. Staff's concern of Option 1 is that the Solid Waste Budget does not have available funds, and a large portion would be needed from the General Fund reserves due to Street Division equipment. For these reasons, staff recommends Option 2 be used for funding.

The purchase of the lifts will be made through the HGACBuy Contract Number FL03-19 cooperative purchasing through the Delaware State Contract. Specifications for the ARI-Hetra Lifts are attached.

RECOMMENDATION: Staff recommends City Council authorize a purchase order to ARI Phoenix, Inc of Lebanon, OH for the ARI-HETRA advanced Mobile Lift system in the amount of \$60,461.00 in accordance with the HGACBuy Contract Number FL03-19, with funding of \$15,115.25 from Water Reserves, \$15,115.25 from Sewer Reserves and \$30,230.50 from Electric Reserves.

Hetra Vehicle and Equipment Lifts

In order to Safely and effectively repair vehicles and equipment in the City garage, it is necessary for the City's mechanic to purchase and utilize lifts specific to heavy-duty use. The current system does not properly lift vehicles, causing a fear of equipment failure, which could cause the vehicle to fall. Additionally, it requires that the mechanic lay on the floor underneath the vehicle, a less than ideal situation for repairs. Purchasing heavy-duty lifts would allow the vehicles and equipment to be placed higher, where they can be safely and easily serviced from underneath, allowing for better lighting and range of motion. Use of in-house heavy-duty lifts will also increase productivity for crews on the roads by diminishing the downtime incurred by utilizing outside garages for repairs.

Lifts

Cost per piece, vehicle & equipment \$1,104.23

Adapter

Cost per piece \$108.61

Payment Option 1

Division	Vehicles	Equipment	Lift Cost	Adaptor	Adpt. Total	Division Total
Solid Waste	4		\$4,416.92		\$0.00	\$4,416.92
Electric	6	14	\$22,084.62	14	\$1,520.50	\$23,605.12
Water	4		\$4,416.92		\$0.00	\$4,416.92
Waste Water	3	8	\$12,146.54	8	\$868.86	\$13,015.40
Streets	7	6	\$14,355.00	6	\$651.64	\$15,006.64
	24	28	\$57,420.00	28	\$3,041.00	\$60,461.00

Payment Option 2

Electric	50%	\$30,230.50
Water	25%	\$15,115.25
Waste Water	25%	\$15,115.25
		\$60,461.00



ARI PHOENIX, INC.
 4119 Binion Way
 Lebanon, OH 45036 USA
 www.ari-hetra.com
 info@ari-hetra.com
Toll Free: 800-562-3250
 Phone: 513-229-3750
 Fax: 703-359-6405

HGACBuy QUOTE
 10/03/2019 03:24 PM
 Valid For: 30 Days
 Quote Number: ARI14140

Vince Waydelis
 Lead Tech
 The City of Milford Delaware
 180 Vickers Drive
 Milford, DE 19963

Phone: 602-422-1109
 Fax:
 Email: vwaydelis@milford-de.gov

Dear Vince Waydelis:

Thank you for the opportunity to quote you prices on our **ARI-HETRA** equipment. Our products are designed specifically for Heavy Duty applications using technologies that provide ruggedness, quality and long term benefits to your operation. The pricing shown below is pursuant to our **HGACBuy Contract Number FL03-19**.

Qty	Product Details	Price	Total	Discount	Total
1	HDML-10-6-AE Unit Of 6 - 108,000 Lb Capacity Mobile Lift, W/Load Cell & Led Display	\$ 63,801.00	\$ 63,801.00	\$ 8,757.00	\$ 55,044.00
6	ADJUSTABLE CARRIAGE Adjustable Carriage	\$ 549.78	\$ 3,298.68	\$ 922.68	\$ 2,376.00
1	FRLT-15-ADJ Adjustable Front & Rear Light Truck Adapter (15 Pieces)	\$ 3,525.12	\$ 3,525.12	\$ 484.12	\$ 3,041.00
Sub Total				\$ 60,461.00	
Grand Total					\$ 60,461.00

FOB destination, freight collect (at cost); Estimated freight \$1,598.00.

Terms: 1% 10; Net 30
 Taxes: Responsibility of Purchaser
 Shipping & Handling: **FOB Destination Freight Collect**
 Lease/Purchase Available

Issuance of Purchase Orders & Payments To: **ARI-PHOENIX**
 ARI Hetra is a US company and our lifts are manufacture in Ohio. Sales and Service are factory direct. Every lift purchase comes with free set up and training.

 The City of Milford Delaware

 Jim Bartanowicz
 ARI-PHOENIX

To view our entire product catalog please visit www.ari-hetra.com/catalog

Please send your purchase order referencing this quote number to: Orders@ari-hetra.com
 Be sure that your PO includes our correct name and address shown at the top of this quote as we recently changed ownership and have a new corporate address. Our new Tax ID is 47-4503033 and we will provide a W-9 upon request.

MOBILE LIFTING SYSTEM LINE POWERED

The ARI-HETRA advanced Mobile Lift system is built for durability and many years of service. It provides you with absolute control by providing a direct connection to each post in the system. This allows you to safely lift heavy vehicles without the need for complicated or finicky synchronization issues. In addition to its strength, versatility and high safety standards, the HDML-AE Mobile Lifting System offers so much more.

Absolute Control - Direct Connection, ensures safety and productivity.

Highlights:

- Durable**
 - Engineered for years of service in demanding environments.
 - Proven daily by thousands of Customers since 1988.
- Tight Turning Radius & Small Footprint**
 - Turning radius allows maneuverability in confined shops.
 - Can be stored with minimum space usage.
- 1in. Thick Support Column**
 - Thick steel "H" beam ~ 5x rated strength capacity.
- Self Diagnostics**
 - Operating status.
 - Error codes & fault information.

Compatibility

- Compatible with legacy ARI-HETRA systems.

Available on GSA Schedule

Made in the USA

ARI
hetra
lifting systems
exhaust systems
wheel service



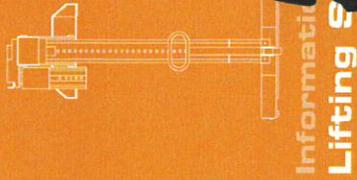
800-562-3250
www.ari-hetra.com

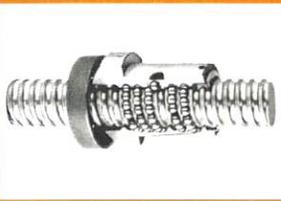


Safety Features:

- Electrical Cables**
 - Absolute control of lifting system.
 - Direct connection between all lifting posts.
 - No need to Sync or reboot.
- Electronic Overload Protection**
 - Shuts system down if load exceeds rated capacity.
- Emergency Stop Button**
 - Emergency switch completely stops entire system.
- Safety Braking System**
 - Motor brake is engaged until power is applied.
- Certified Heavy-Duty Vehicle Lift**
 - ANSI/ALI ALCTV - 2011
 - U.L. STD 201
 - CAN/CSA STD C 22.2 No. 68
 - Third-party tested by MET Labs.

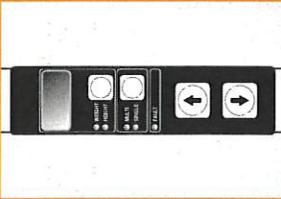
HDML-8-AE shown with optional light kit.





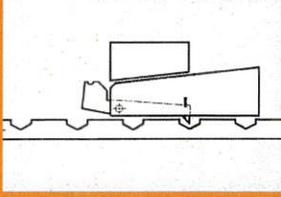
Ball Screw Design

- Longer life than Acme thread.
- No leaking seals like Hydraulics.
- 6-Race 90 Ball bearings sealed with grease fitting.
- Low friction.
- 10-year life expectancy. (5 year warranty)



LED Control Panel

- Load cell displays weight at each post.
- Lifted height displayed for absolute control in restricted space.
- Displays in either standard or metric units.

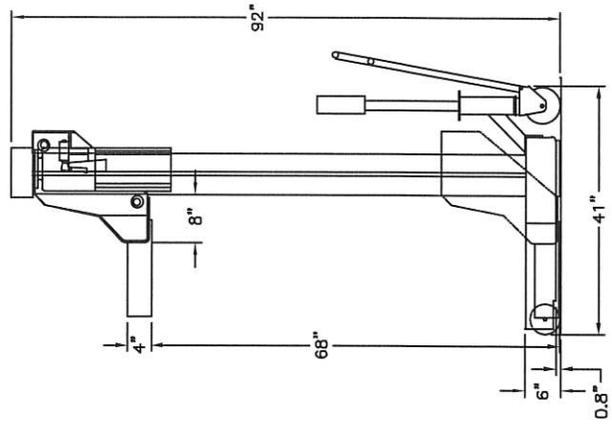
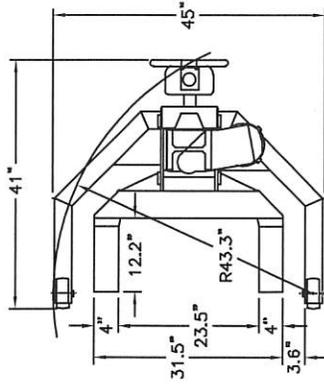


Mechanical Safety

- Wedge-type safety device automatically locks between lifting carriage & H beam if needed.
- Uses downward force and load weight to lock in place.

Engineering

- Top-mounted gearbox, motor assembly and double-acting disc brake are housed in a watertight aluminum extrusion.
- Lifting is achieved through a hardened, ball-bearing screw nut assembly suspended from the top of the column.
- Security devices are built into the electrical system, which stops the lift from operating in case of an electrical failure or overload.
- The slim design allows optimum visibility in shop.



Dimensions for HDML-8-AE

Technical Data

MODEL SPECIFICATION	# OF COLUMNS	CAPACITY PER COLUMN	TOTAL CAPACITY	MOTOR CAPACITY	POWER CONSUMPTION	APPLICATION	MASS PER COLUMN	MOTOR CAPACITY PER COLUMN
HDML-6-4-AE		12,000 LB.	48,000 LB.		208-230/460-480 VOLTS 30/15 AMPS			2.0 HP
HDML-8-4-AE		15,000 LB.	60,000 LB.		208-230/460-480 VOLTS 30/15 AMPS		1,100 LB.	2.0 HP
HDML-9-4-AE	4	16,000 LB.	64,000 LB.	8 HP	208-230/460-480 VOLTS 30/15 AMPS		1,175 LB.	2.0 HP
HDML-10-4-AE		18,000 LB.	72,000 LB.		208-230/460-480 VOLTS 30/15 AMPS		2,800 LB.	2.0 HP
HDML-12-4-AE		25,000 LB.	100,000 LB.		208-230/460-480 VOLTS 50/20 AMPS			2.0 HP
HDML-6-6-AE		12,000 LB.	72,000 LB.		208-230/460-480 VOLTS 50/20 AMPS			2.0 HP
HDML-8-6-AE		15,000 LB.	90,000 LB.		208-230/460-480 VOLTS 50/20 AMPS		1,100 LB.	2.0 HP
HDML-9-6-AE	6	16,000 LB.	96,000 LB.	12 HP	208-230/460-480 VOLTS 50/20 AMPS		1,175 LB.	2.0 HP
HDML-10-6-AE		18,000 LB.	108,000 LB.		208-230/460-480 VOLTS 50/20 AMPS		2,800 LB.	2.0 HP
HDML-12-6-AE		25,000 LB.	150,000 LB.		208-230/460-480 VOLTS 50/20 AMPS			2.0 HP

System can easily be configured for either 220 or 440 volts.

MODEL FRLT-15-L LOW PROFILE FRONT & REAR TRUCK ADAPTER



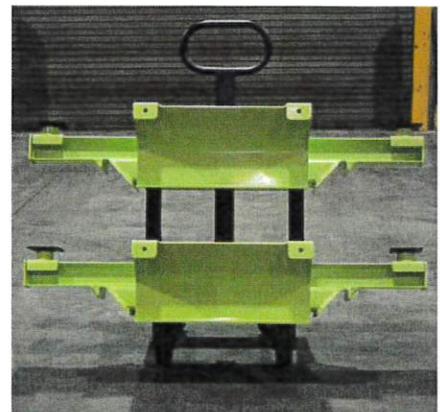
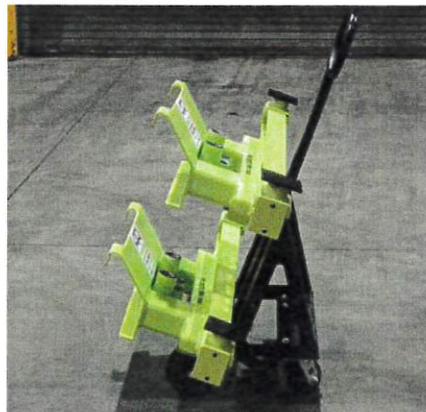
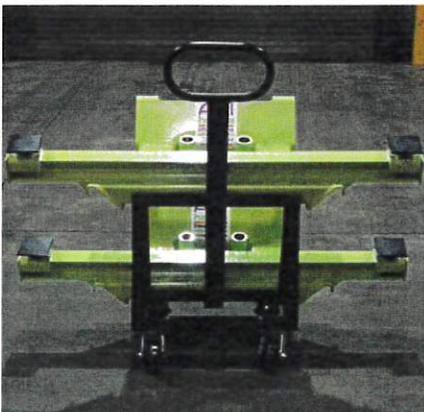
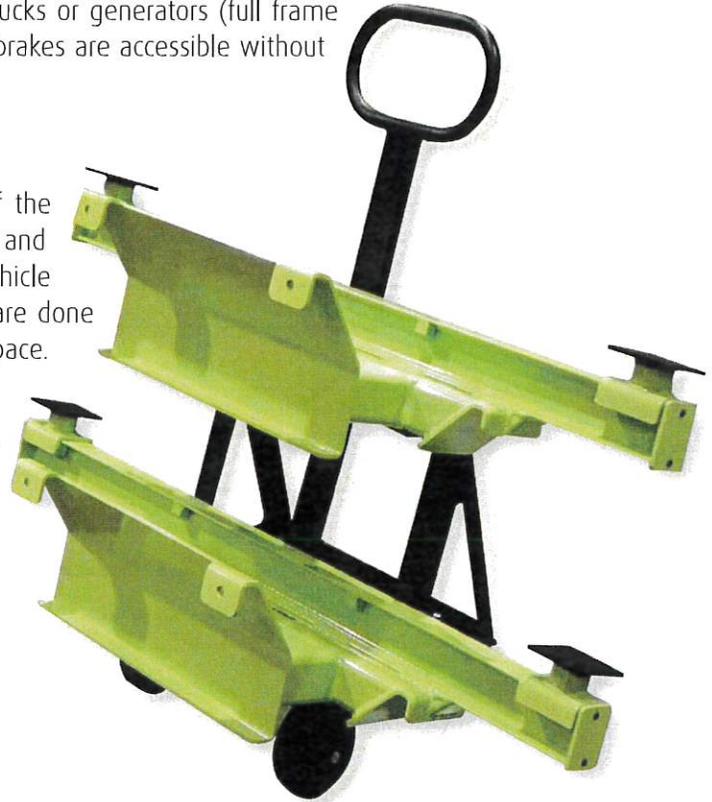
ARI-HETRA's latest lifting solution offers a safe and innovative method for maintaining a wide variety of equipment. By utilizing two ARI-HETRA HDML columns with our exclusive Model FRLT-15-L Front & Rear Light Truck Adapter, your shop can service vans, light trucks or generators (full frame access required) by the front and rear frame. Tires and brakes are accessible without using a set of support stands.

How It Works

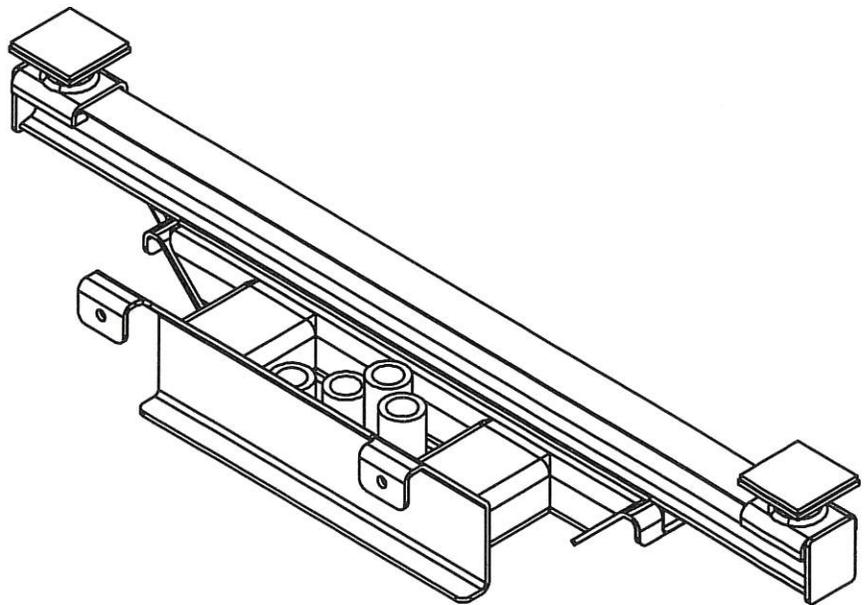
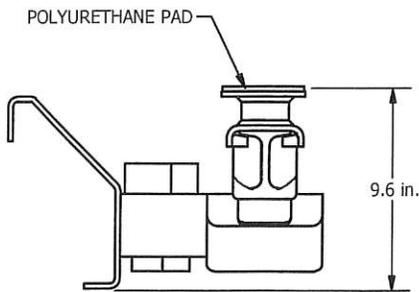
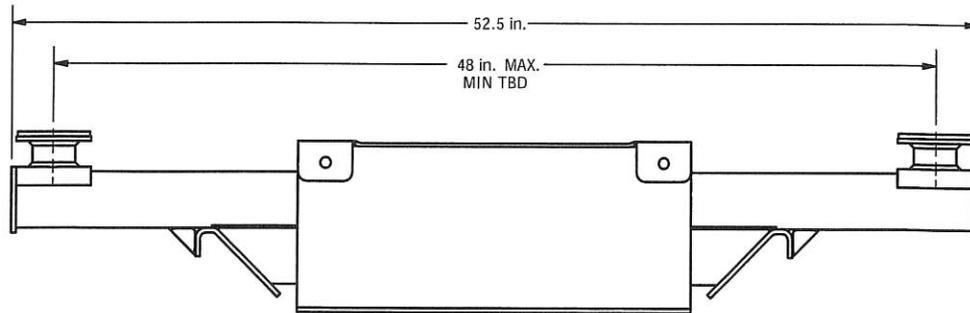
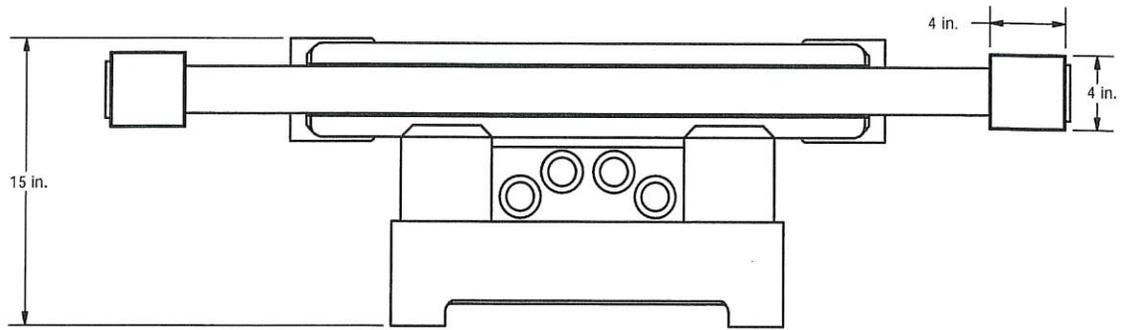
Simply position the two posts at the front and rear of the vehicle, adjust the frame contact points, plug in the posts and press the button. ARI-HETRA's lifting system raises the vehicle allowing safe access to the under carriage. When you are done using the system, its small form takes up little storage space.

FRLT-15-L Low Profile Front & Rear Light Truck Adapter - 15,000 lb. Capacity

- Unsurpassed Safety
- Quick Set-Up and Lifting
- Highest Quality Construction
- Square polyurethane pads help grab irregularly shaped frames
- Lower profile design fits below front spoilers
- Increased reach
- Strengthened support beams
- Made in the USA



800-562-3250
www.ari-hetra.com



800-562-3250
www.ari-hetra.com

ARI-hetra™ Statement of Warranty

Model/Product Line	Labor Warranty*	Structure Parts Warranty*	Electrical Parts Warranty*
Mobile & HDXL Scissor Lifting Systems	1 Year	5 Years	2 Years
Exhaust Extraction Systems	1 Year	1 Year	1 Year
Wheel Service Products	1 Year	1 Year	1 Year
Accessories	1 Year	1 Year	1 Year

ARI Mobile Column Lifts and HDXL Scissor Lifting Systems

All ARI-Hetra™ lifting systems are warranted for a period of five (5) years from date of new system purchase for all Structural and Mechanical parts. (Structural and Mechanical parts include the frame body, gearbox and mechanical ball-screw components.) Electronics and non-Structural parts are warranted for a period of two (2) years on new systems. Warranted parts or components will be replaced or repaired at the discretion of ARI-Hetra and parts replaced under the warranty period carry the remaining balance of the original manufacturer's warranty. Structural and Electrical Parts warranties include first (1) year labor and travel. Replacement parts or repairs performed outside the warranty period carry a 60 day replacement period warranty.

ARI Heavy Duty Accessories

All ARI-Hetra™ branded accessories and components are warranted for a period of one (1) year from date of purchase. This includes, but is not limited to, Refurbished Lifts, Stands, Lift Accessories, and Remote Control. Warranty includes labor and travel or return and replacement exchange.

ARI Wheel Service Products

All ARI-Hetra™ branded Heavy Duty Wheel Service products including but not limited to Tire Changers, Balancers, Inflation Cages, Hydraulic Jacks, Brake Lathes, and Brake Handing products are warranted for a period of one (1) year from date of purchase. Warranty includes labor and travel or return and replacement exchange.

ARI Exhaust Extraction Products

All mechanical and structural components of the ARI-Hetra™ Exhaust Extraction Systems are warranted for a period of one (1) year from date of purchase during which time warranted parts will be replaced or repaired at the discretion of ARI-Hetra™ without charge.

All ARI-Hetra products should be installed and serviced by ARI Phoenix Inc. trained and authorized service personnel. This warranty shall not apply unless the product is installed, operated, used and maintained in accordance with ARI-HETRA specifications, as set forth in the ARI-HETRA's "Operation & Service Instructions" (Manual). The warranty does not cover normal maintenance or adjustments, damage or malfunction due to improper handling, improper installation, abuse, misuse, overloading, negligence, unsuitable power sources, carelessness or normal wear and tear. Unauthorized repairs attempted or carried out by non ARI-Hetra™ authorized service personnel will void the warranty and its coverage periods. All warranties are expressly conditioned upon use by Buyer of only such replacement parts as are manufactured or provided by ARI-Hetra. After expiration of labor and travel warranties while parts warranties are still in effect, parts which are thought to be defective may be returned to ARI-Phoenix Inc via an RMA (returned material authorization) with freight charges to be reimbursed in the event that ARI Phoenix Inc. determines the part(s) were defective.

THE FOREGOING LIMITED WARRANTIES ARE EXCLUSIVE, AND ARE IN LIEU OF ALL OTHER WARRANTIES, WHETHER WRITTEN, ORAL OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE.

THE SOLE AND EXCLUSIVE REMEDY FOR BREACH OF WARRANTY SHALL BE LIMITED TO REPAIR, CORRECTION OR REPLACEMENT UNDER THE LIMITED WARRANTY ABOVE. IN NO EVENT, REGARDLESS OF THE FORM OF THE CLAIM OR CAUSE OF ACTION (WHETHER BASED IN CONTRACT, INFRINGEMENT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE), SHALL ARI-HETRA'S LIABILITY TO BUYER AND/OR ITS CUSTOMERS EXCEED THE PRICE TO ARI-HETRA OF THE SPECIFIC GOODS MANUFACTURED OR SERVICES PROVIDED BY ARI-HETRA GIVING RISE TO THE CLAIM OR CAUSE OF ACTION. BUYER AGREES THAT IN NO EVENT SHALL ARI-HETRA'S LIABILITY TO BUYER AND/OR ITS CUSTOMERS EXTEND TO INCLUDE LIQUIDATED, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES. THE TERM "CONSEQUENTIAL DAMAGES" SHALL INCLUDE, BUT NOT BE LIMITED TO, LOSS OF ANTICIPATED PROFITS, LOSS OF USE, LOSS OF REVENUE AND COST OF CAPITAL.



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: Warehouse Fork Lift Truck Replacement
Date: October 8, 2019

Staff requests City Council consider a recommendation to replace the existing 1993 TCM Forklift FD50Z7 used in the warehouse with a 2020 Yale Model GP120VX Lift Truck. The existing unit has approximately 1510 engine hours, is 28 years old, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2020 Capital Improvement Plan and in the Electric Budget. The unit is used for off-loading materials delivered to the City as well as moving materials within the warehouse and Public Works facility. The unit also is used for loading materials onto trucks/trailers.

The purchase of this truck will be made through the Delaware State Contract. Specifications for the 2020 Yale Model GP120VX Lift Truck are attached. The Electric Division budgeted \$80,000.00 for the purchase of this unit, and the Delaware State Contract final cost is \$73,826.60.

RECOMMENDATION: Staff recommends City Council authorize a purchase order to Eastern Lift Truck Co. of Maple Shade, NJ for a 2020 Yale Model PG120VX Lift Truck in the Delaware State Contract (Contract #GSS19843-FORKLIFT) amount of \$73,826.60 with funding coming from Electric Capital Reserves.



MODEL: GP120VX

All trucks shown with optional equipment. Please refer to quotation specifications.

CUSTOMER DETAILS

CUSTOMER	City of Milford		
ADDRESS	180 Vickers Drive Milford Delaware 19963		
SHIP-TO ADDRESS	180 Vickers Drive Milford Delaware19963		
CONTACT NAME	Mr. Jim Vuncannon	TITLE	Account Manager
PHONE	+1.215.443.2486		
PROPOSED BY	Jim VunCannon		
PHONE	(856) 779-8880	EMAIL	jvuncannon@easternlifttruck.com
DATE	2019-04-23	QUOTE EXPIRATION	2019-10-31



EASTERN LIFT TRUCK CO
 549 EAST LINWOOD AVENUE
 MAPLE SHADE New Jersey 08052
 Phone: 856-779-8880



Quoted Model: GP120VX Available Features

Yale® VERACITOR® GP120VX pneumatic tire lift truck. Nominal 12,000 lb. capacity at a 24" load center. Veracitor trucks feature industrial-grade critical components that maximize productive value and economic life of the lift truck. Their rugged powertrains and cooling systems are designed specifically for tough applications. The isolated powertrain design reduces noise and vibration minimizing operator fatigue and increasing operator productivity throughout a shift. Highly reliable electrical systems provide sophisticated control of truck functionality leading to outstanding efficiency. The cowl-to-counterweight access and on-board diagnostics makes servicing fast, easy and convenient, making the Veracitor® VX series the standard in truck serviceability. Standard Equipment includes: Continuous Stability System, Integrated Dashboard Display, Operator Restraint System, Operator Presence System (OPS), Low Fuel Indicator, Infinitely Adjustable Steering Column and Floor mat. The Yale Continuous Stability System (CSS) reduces truck leans in turns, improving lateral stability, and the innovative steer axle mounting design allows for superior travel over uneven surfaces. The Yale® CSS™ is 100% maintenance free, with no controllers, no sensors and no extra wiring. It's a reliable system that lets operators feel confident when moving loads of all shapes and sizes. The innovative Yale® Flex Performance Technology™ offers the flexibility to maximize fuel economy or productivity to match application needs. This feature provides operators the ability to achieve a balance of enhanced performance and superior fuel economy, or to maximize productivity during peak business periods when moving more loads is integral to the success of the operation.

Proposal Summary

Included Items	Description	Quantity
Model	Yale® GP0120VX lift truck: 12,000 lb. capacity, Class V	1
Powertrain	Kubota 3.8L Diesel (74hp/55kW) DOC Engine Brakes - Premium Oil-Cooled Wet Disc Brakes Electronically Controlled Powershift 2-Speed Transmission	
Powertrain Options	.High Air Intake Counterweight Rear Exhaust Single Pedal Inch/Brake Arrangement Heavy Duty Anti-Clog Radiator with Combi-Cooler Key Switch Start UL Label - Classification Type D	
Powertrain Accessories	System Monitoring	
Mast	Mast Tilt - 6° Forward / 10° Back 2 Stage Limited Free Lift Mast - Class IV - 157" (4000mm) Maximum Lift Height - 111" (2814mm) Overall Lowered Height - 6" (160mm) Free Lift Height without Load Backrest - 208" (5264mm) Overall Extended Height with Load Backrest	
Carriages & Attachments	48" Load Backrest (SPED) Class IV 53.3" Integral Sideshift Carriage with Fork Positioner (SPED) Class IV	
Forks	48" Long x 2.5" Thick x 6" Wide (1220mm x 60mm x 150mm) - Class IV Hook Type - Standard Taper Forks	
Hydraulics	Engine Driven Cooling System 4 Function (2 Auxiliary) Hydraulic Control Valve Standard Displacement Hydraulic Pump Mechanical Lever Hydraulic Controls - Cowl Mounted	



EASTERN LIFT TRUCK CO
 549 EAST LINWOOD AVENUE
 MAPLE SHADE New Jersey 08052
 Phone: 856-779-8880



Included Items	Description	Quantity
Hoses	2 Auxiliary Function Hose Group - 4 Hoses Internally Mounted	
Wheels & Tires	Drive Tires - 8.25 x 15 - Pneumatic Shaped Solid (PSS) - Dual Tread Width Steer Tires - 7.00 x 12 - Pneumatic Shaped Solid - Standard Compound	
Operator Compartment	Rear Drive Handle with Horn Button Mirrors - Dual Side View - Mounted on the Left and Right Side of Overhead Guard 91" (2300mm) Overhead Guard - Grid Style	
Directional Control	Lever Shift Direction Control - Mounted on Left Hand Side of Steering Column Steering Wheel with Integral Spinner Knob	
Seat	Seat Belt - Black - No-Cinch with ELR (Emergency Locking Retractor) Non-Suspension Vinyl Seat	
Chassis Options	Fully Enclosed Hood and Side Panels - Non-Vented	
Lights & Alarms	Audible Alarm - Reverse Direction Activated - Self-Adjusting 82-102 dB(A) Visible Alarm - Amber LED Strobe - Keyswitch Activated - Does Not Increase Truck Height Work Lights - Halogen Glass Lens - 2 Front and 1 Rear Blue LED spotlight, rear mounted and reverse activated (SPED)	
Warranty	12 Months / 2,000 Hours Manufacturer's Warranty, 36 Months / 6,000 Hours Powertrain Warranty; please see full Warranty Statement for additional details.	
Literature & Nameplate	English Literature Pack and Labels	
Fees & Surcharges	Freight Fees & Surcharges Mast Removed for Shipping	
Tariff	Tariff Surcharge	

Additional Items or Accessories Included

	Description	Quantity
DEL STATE	DELAWARE STATE CONTRACT GSS19843-FORKLIFT	1



EASTERN LIFT TRUCK Co., INC.
"We're Known for Good Service!"

EASTERN LIFT TRUCK CO
 549 EAST LINWOOD AVENUE
 MAPLE SHADE, New Jersey 08052
 Phone: 856-779-8880



Total Investment

Price GP120VX	\$73,826.60	Qty: 1	
Quoted Quantity	1	TOTAL:	\$73,826.60

Proposal By: Jim VunCannon Accepted By: _____

Signature: _____ Signature: _____

Date Signed: _____ Date Accepted: _____

PO Number: _____



EASTERN LIFT TRUCK CO
549 EAST LINWOOD AVENUE
MAPLE SHADE, New Jersey 08052
Phone: 856-779-8880



Terms and Conditions

DELIVERY AND PRICE:

We will use all reasonable means to make shipment within the time specified, but assume no liability for loss or damage arising from late delivery or nonfulfillment of contract by reason of fires, strikes, delays in transportation, regulations of the United States Government, or any cause unavoidable or beyond our control.

The prices quoted and the shipment specified herein are for prompt acceptance and are subject to change without notice.

The prices quoted are exclusive of any tax in force or which may be enacted by Federal, State or Local Governments.

Terms of sales are subject to credit approval.

All orders are subject to acceptance by Eastern Lift Truck Co., Inc., Maple Shade, New Jersey.

The conditions of this quotation become a part of any order resulting here from, and any purchase order submitted in response to this quotation modifying, altering or adding to these conditions shall not be binding unless accepted by us in writing.

There are no agreements, understandings or stipulations relative to this quotation other than those expressed herein.

WARRANTY:

It is expressly agreed that there are no warranties express or implied, made by either the Dealer or the Manufacturer on the equipment furnished hereunder except for the following express warranty:

The Manufacturer warrants its new machinery covered by this order or contract (excluding tires, electric lift truck batteries and chargers, which are warranted by the respective manufacturers only) to be free of defects in workmanship and material at the time of shipment from the Manufacturer's factory, in accordance to their published warranty.

This warranty is the only warranty upon which the Manufacturer's new machinery is sold. No other warranty shall be implied and all statutory warranties shall be deemed waived. No warranty of any kind, statutory, implied or otherwise, is made with respect to second-hand machinery, or with respect to new machinery which, after shipment from Manufacturer's factory, has been altered, repaired or treated in any manner whatsoever.

The Manufacturer's liability whether in contract or in tort arising out of warranties, representations, instructions, or defects from any cause shall be limited exclusively to repairing or replacing under the conditions as aforesaid.

CANCELLATION:

Your signature on this proposal constitutes an order. Cancellations will not be accepted except on terms that will indemnify us against any loss.



National Community Survey (NCS) 2019 and Strategic Plan Update

Key Findings and Comparisons

October 14, 2019

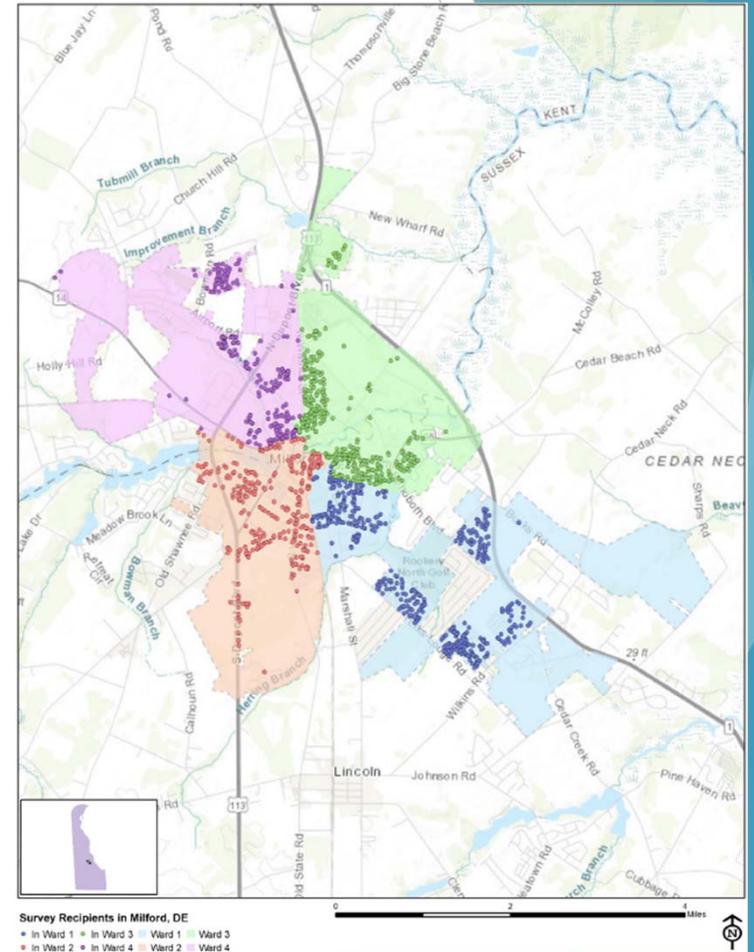
Milford's Strategic Plan

- ▶ Process started in 2016
 - ▶ Step 1: Send out 2017 Survey
 - ▶ Step 2: Community Conversations
 - ▶ October 2017-December 2017
 - ▶ Step 3: Create Strategic Plan
- ▶ Adopted by Council April 2018
- ▶ Plan runs from 2018 to 2023



National Community Survey (NCS) 2019

- ▶ 1,700 surveys were sent out
- ▶ 457 were returned



National Community Survey, Continued

Three Pillars

- ▶ Community Characteristics
- ▶ Governance
- ▶ Participation

Eight Facets

- ▶ Safety
- ▶ Mobility
- ▶ Natural Environment
- ▶ Built Environment
- ▶ Economy
- ▶ Recreation and Wellness
- ▶ Education and Enrichment
- ▶ Community Engagement

Terms to Know

- ▶ Benchmark
- ▶ Significant change
 - ▶ 7% increase or decrease from 2017 survey results
- ▶ Positive rating
 - ▶ Percent of those who marked “excellent” or “good” for a question



Quality of Life in Milford

- ▶ 76% of respondents rated the quality of life in Milford as “excellent” or “good”
- ▶ Top priorities in the upcoming 2 years:
 - ▶ Economy
 - ▶ Safety



Facet: Economy

- ▶ Overall Economic Health of Milford
 - ▶ 51% positive rating
- ▶ Cost of Living
 - ▶ 54% positive rating
- ▶ “Do you work inside the boundaries of Milford?”
 - ▶ 28% of respondents work within Milford
- ▶ Milford as a Place to Work
 - ▶ 55% positive rating
- ▶ “How much do you support or oppose additional financial resources for economic development (e.g. support for retaining/expanding businesses, attracting new businesses, workforce development, etc)?”
 - ▶ 94% support additional financial resources

Strategic Plan Update on Economy

- ▶ **Goal: Enable growth of existing businesses**
 - ▶ Progress:
 - ▶ Regular meetings between City, Chamber of Commerce, and Downtown Milford, Inc., as well as State and County partners
 - ▶ Business retention/expansion visits
- ▶ **Goal: Foster the establishment of new businesses**
 - ▶ Progress:
 - ▶ Developed “How to Start a Business in Milford”
- ▶ **Goal: Meet the commercial needs of residents, businesses, and visitors**
 - ▶ Progress:
 - ▶ 7 large Downtown Development District reservation within City limits with \$16.4 million private funds and over \$2.0 million in State grant funds

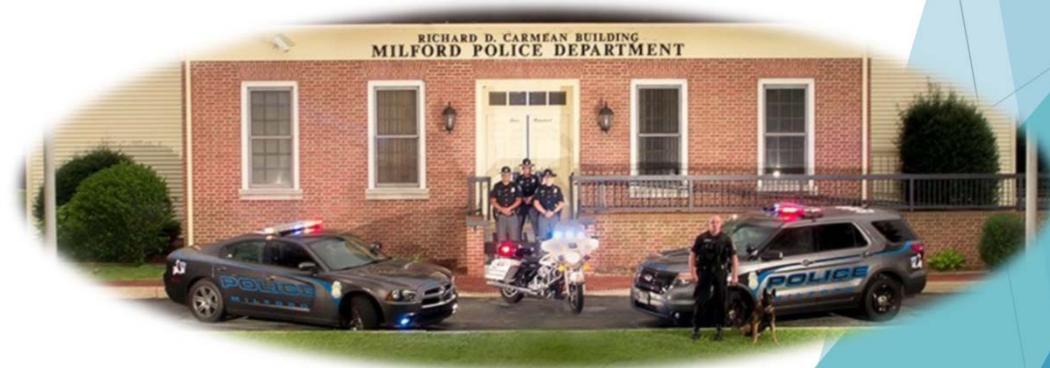


Facet: Safety

- ▶ Overall feeling of safety
 - ▶ 67% positive rating
- ▶ Feeling of safety in neighborhood during the day
 - ▶ 93% positive rating/felt safe
- ▶ “How much do you support or oppose additional financial resources for safety (ensuring the police force is well-trained and has the necessary equipment, staff, resources and facilities)?”
 - ▶ 99% support additional financial resources

Facet: Safety Continued

- ▶ Police services
 - ▶ 82% positive rating
- ▶ Fire services
 - ▶ 94% positive rating
- ▶ Ambulance or emergency medical services
 - ▶ 93% positive rating
- ▶ Crime prevention
 - ▶ 65% positive rating



Strategic Plan Update on Safety

- ▶ **Goal: Efficiently utilize all police resources (i.e., staff time, personnel, training, equipment, technology, etc.)**
 - ▶ Progress:
 - ▶ Crime mapping available online
 - ▶ Data collection aiding in scheduling and patrolling
 - ▶ Police Department follows accreditation policies
- ▶ **Goal: Establish and maintain strong and beneficial police-community relations**
 - ▶ Progress:
 - ▶ Increased foot patrols
 - ▶ Considering: Junior Police Academy
 - ▶ Five additional officers have been added to staff and have graduated from the Academy

Pillar: Community Characteristics

Milford as a...

- ▶ Place to live
 - ▶ 83% positive rating
- ▶ Place to raise children
 - ▶ 72% positive rating
- ▶ Place to retire
 - ▶ 75% positive rating



Strategic Update on Community

- ▶ Goal: Promote a healthy community with recreational activities provided by the City and community partners
 - ▶ Progress:
 - ▶ Establishment of the Parks and Recreation Advisory Board
 - ▶ Dog Park survey completed
 - ▶ Creation of Parks and Recreation Facebook site
- ▶ Goal: Bring more tourism to Milford
 - ▶ Progress
 - ▶ Parks and Recreation Director has joined the Kent County Tourism Board
 - ▶ Kayak rentals next to Arena's; exploring recreation opportunities on the river; growing special events

Pillar: Governance

- ▶ Overall Quality of City Services
 - ▶ 75% positive rating
- ▶ The Overall Direction Milford is Taking
 - ▶ 68% positive rating
- ▶ Confidence in City Government
 - ▶ 60% positive rating
- ▶ Acting in the Best Interest of the Community
 - ▶ 61% positive rating
- ▶ Customer Service by Milford Employees
 - ▶ 75% positive rating



Pillar: Participation

- ▶ Overall Sense of Community
 - ▶ 62% positive rating
- ▶ Likelihood of Recommending Living in Milford
 - ▶ 89% likely to recommend
- ▶ Likelihood of Remaining in Milford
 - ▶ 85% likely to remain



Strategic Plan Update on Mobility

- ▶ Goal: Evaluate current condition and put plans in place to maintain or replace City utility infrastructure
 - ▶ Progress:
 - ▶ Public Works has developed a 5-year capital plan for short range and long range plans
 - ▶ Transportation Improvement District - southeast Milford
 - ▶ Transportation Alternatives Program - NE Front Street in design
- ▶ Goal: Preserve and enhance the property values and quality of our neighborhoods
 - ▶ Progress:
 - ▶ Grant funding for City's Bicycle and Pedestrian Master Plan
 - ▶ Parks and Recreation now has sidewalk sweeper
 - ▶ Sidewalk Repair Program

Other Notable Changes

- ▶ Overall Quality of New Development
 - ▶ 57% positive rating
- ▶ Work in Milford
 - ▶ 28% working in Milford
- ▶ K-12 Education
 - ▶ 73% positive rating
- ▶ Land Use, Planning, and Zoning Services
 - ▶ 50% positive rating
- ▶ Did NOT Observe a Code Violation
 - ▶ 48% did not observe a code violation



Online Survey Key Findings

Where it was similar to the mailed survey:

- ▶ Quality of Services Provided by the City of Milford
 - ▶ 70% positive
- ▶ Quality of City-Sponsored Events
 - ▶ 67% positive
- ▶ Overall Economic Health of Milford
 - ▶ 89% positive

Online Survey Key Findings Continued

Where it differed from the mailed survey:

- ▶ Overall Customer Service by Milford Employees (police, receptionists, planners, etc.)
 - ▶ 86% positive rating
- ▶ Emergency Preparedness (services that prepare the community for natural disasters or other emergency situations)
 - ▶ 77% positive rating
- ▶ The Job the Milford Government Does at Welcoming Resident Involvement
 - ▶ 28% positive rating
- ▶ Milford as a Place to Raise Children
 - ▶ 79% positive rating

Questions?



Strategic Plan Update as of October 1, 2019

The City of Milford's Strategic Plan was approved by City Council in April of 2018. This report provides an update on the progress that has been made towards achieving the goals outlined in this plan since its implementation through October 1. The report is broken down into goals of the plan, and the work done in conjunction with that goal. This report is still in progress and does not yet encapsulate all work that has been done.

Goal: *Efficiently utilize all police resources (i.e., staff time, personnel, training, equipment, technology, etc.)*

Progress:

- Currently analyze data, and have crime mapping available online
 - Have used data collected on crime in the area to do their best in adjusting the scheduling of officers and patrolling
 - Police Department follows accreditation policies. All officers are taught policies, and must pass tests on policies necessary for accreditation. The Police Department is not currently able to be accredited due to their current building.
-

Goal: *Establish and maintain strong and beneficial police-community relations*

Progress:

- Have increased the amount of time for foot patrols in the downtown areas and around apartment complexes where there has been crime. This has been possible due to grant funding.
 - Currently have ongoing efforts to complete more training.
 - Used to have a Citizen Police Academy. People in the area that were interested have already completed the program. The Police Department is now looking to potentially start a Junior Police Academy.
 - In June of 2018, City Council approved \$1.3 million in funding for five additional police officers from the General Fund Reserves. All of these officers have graduated from the Academy and are currently working towards finishing their field training program.
-

Goal: *Utilize effective, proactive emergency preparedness and public safety strategies*

Progress:

- Lieutenant currently handles emergency planning. Create plans with hospitals in case of emergency situations and the Police Department currently knows where all of the hazardous chemicals are. Although the Lieutenant currently oversees much of the emergency planning efforts, it has gotten to be more than just what one person can handle.
- A Homeland Security Grant has been approved for the City to update our Emergency Management Plan and City Code Chapter 25. Funding is in the Federal Emergency

Management Agency Budget for the new federal fiscal year. The funds should be released in January or February. In the coming weeks, an RFP will be developed for the consultant to do the project. Involvement of the Carlisle Fire Company and City departments, including Police, Public Works and Finance, will be critical.

Goal: *Reduce crime*

Progress:

- The Police Department works with the D.E.A in order to gather analytical crime data. Department has also partnered with federal programs that provide support, work with the D.E.A Taskforce and the U.S. Marshall Taskforce. These taskforce partnerships aided in the recent seven-person drug bust within Milford.
 - Currently have motorcycle, special operations, crime, and school resource officers.
-

Goal: *Replace the current Police Station with a safe and modern facility to serve community needs*

Progress:

- Architect has been selected--Becker & Morgan.
 - Currently have a contract with Hook PR to create a video about the new police station.
 - Police Department is currently building a Planning Taskforce to help review building plans and spatial needs
-

Goal: *Enable growth of existing businesses*

Progress:

- In the Spring, the City supported job fair events, one hosted by the Chamber of Commerce and another hosted by Delaware Technical Community College, to promote jobs available in the community to high school students and the general public, as well as to recruit for City positions.
 - The City Manager meets regularly with the Chamber of Commerce for Greater Milford and Downtown Milford, Inc. to share information and receive feedback on City operations. He and other City staff participate on other local, regional or state committees working collaboratively to grow our economy.
 - Efficiency Smart has been a valuable outreach tool and has assisted small and large businesses to become more efficient, enabling rebates and savings to be pumped into other aspects of operations.
 - BRE (business retention / expansion) visits by the City Manager and the Planning and Development Director help to identify opportunities to resolve issues that can lead to business growth.
-

Goal: Foster the establishment of new business

Progress:

- City Staff created a two-page document providing information and links on how to start a business in a new or existing building
 - The Economic Development section of our website includes a mapping tool that helps developers and investors navigate the Downtown Development District (DDD) and Opportunity Zone, as well as explore properties across Milford. In addition, the City has added all available City properties to the Delaware Prosperity Partnership *Zoom Prospector* site of available properties and promoted this service to local relators, landlords, etc.
 - Departments have been meeting on a regular basis to reviewing procedures that affect departments across the board in an effort to improve efficiency and customer service
 - In March, the City Council reviewed possible DDD expansion options, making a recommendation for state approval. The State and City have now approved the expansion area and reduced the threshold for local fee waiver incentives.
 - The City has developed a guide on “How to Start a Business in Milford”, which is available on the Economic Development website. Copies are available at the Planning and Development Department
-

Goal: Meet the commercial needs of residents, businesses, and visitors

Progress:

- As of August 2019, there are seven large projects with DDD reservation within the City limits with a private investment totaling \$16.4 million and over \$2.0 million in State grant reservations
 - NE Front Street streetscape project slated for 2020-2021 construction from N. Washington Street to Rehoboth Boulevard. The City had submitted a TAP application with DelDOT for these improvements and will be City utility improvements and Chesapeake Utilities natural gas facilities on NE and NW Front Street.
-

Goal: Proactively maintain our streets

Progress:

- Planning is in motion to start rehabilitating streets in Fall of 2019. DelDOT plans to pave SE Second Street during the Summer of 2020, so Public Works is currently in the process of bidding utility work to be done, along with curb repairs to be completed prior DelDOT’s paving.
- Three streets are slated for reconstruction and are in the design phase. The bid award for this project will be on council’s agenda for October 14, 2019.

- An outside engineer is designing bid specifications for a number street resurfacing projects. The bid award is anticipated to be presented to council on October 28, 2019.
 - All streets that have been listed to be in “serious” or “poor” condition have been slated for rehabilitation for the next five years.
 - The Pavement Condition Report is slated to be updated in 2020
 - Purchased new crack sealer and spray patch machine. These two machines will continue to be used on streets identified as being in “fair” condition in to extend the life of pavement
-

Goal: *Continue to identify and utilize new technology to improve the efficiency and effectiveness of utility services*

Progress:

- Public Works is applied for the RP3 designation for our electric utility to monitor our reliability and response time, among other measures
 - We are in the final phases of the Advanced Meter Infrastructure (AMI or smart meter) project that will enable real time monitoring of active meters (using a GIS interface) to ensure prompt response to outages and to alert customers to possible problems (e.g. leaks). The customer portal should roll out in late-2019.
 - Have been working on increasing preventative maintenance measures on sewer, which has decreased the amount of call outs for sewer backups.
 - Have had some service line breaks due to the goose necks, but Public Works is currently working on replacing the goose necks
 - More tree trimming has been occurring to help avoid electrical outages
-

Goal: *Evaluate current condition and put plans in place to maintain or replace City utility infrastructure*

Progress:

- As of December 2018, Public Works has instituted a program to flush all sewer mains at least once a year. This work is done during the fall/winter. In addition, water lines will be flushed once a year. However, problem areas will be flushed more frequently.
- When it is time to flush, Public Works utilizes the Swift 911 notification system, social media and newspaper ads to let the public know that the flushing will be occurring. Public Works has also posted videos on social media of the flushing occurring to help inform the public about the process that is taking place
- Work is underway to complete an inventory of existing utility infrastructure and to develop a grade system for the conditions of these utilities, along with a depreciation schedule

- Working to identify illegal / improper sewer connections that could contribute to the inflow and infiltration problem. Public Works plans to televise areas first to find connections, if possible, before smoke testing for connections
 - Have identified areas where lead service line “goosenecks” will have to be replaced. SE Front Street will be the first area for these replacements. Streets that have been identified as in “poor” or “serious” condition that also have goosenecks that need to be replaced are slated to have street repair and gooseneck replacement done at the same time. The gooseneck replacement will need to be funded through Water Reserves due to EPA rescinding their grant
 - Public Works has developed a 5-year capital plan for short-range and long-range plans in regards to inventorying, repairing, and replacing infrastructure
 - City Council approved the initial agreement to begin work on the creation of a Transportation Improvement District for areas subject to the updated Southeast Master Plan. The Planning Department has been working with DeIDOT’s planning office on this project, and DeIDOT is currently working on transportation models and a potential plan moving forward
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Goal: *Preserve and enhance the property values and quality of our neighborhoods*

Progress:

- Second Code Official hired in December 2018
- Through the Rental Inspection Program, 1,259 rental inspections have been completed (91% of those in Sussex County and 85%, so far, in Kent County are complete).
- Planning Department has successfully updated the Building Code in alignment with Kent and Sussex Counties.
- A property maintenance checklist for landlords and homeowners has been created and has been made available online
- The City was awarded a \$50,000 grant through DeIDOT to update the City’s Bicycle and Pedestrian Master Plan to provide more detail to move forward with project designs
- Updated subdivision procedures in the Planning Code in the Fall of 2018
- Update to the Sign Ordinance is currently being reviewed by the Planning Commission
- Parks and Recreation hosted their Annual Spring Clean Up this year, which had great turnout with several tons of debris being cleaned up that day
 - After this, Parks developed a program where residents borrow trash bags, gloves, and trash “grabbers” whenever they would like to collect debris
- Parks and Recreation now has a walk-behind power sweeper, which they use to sweep goose poop from all Riverwalk sidewalks each Friday prior to the Farmer’s Market
- Parks and Recreation, along with the Chamber of Commerce, Milford School District, Downtown Merchants Inc., the City Manager, and met to develop plans for an expanded citywide spring clean-up in 2020
- Capital Funds have been appropriated for the redevelopment and complete overhaul of the basketball courts alongside the river and this redevelopment will take place during the current fiscal year

- Meeting is to held at a yet to be determined date to discuss the potential of a playground next to the riverfront.
 - Grant application has been submitted to DNREC for the design and construction of a potential extension of the Riverwalk through the Vineyard Shipyard.
 - In July, the City Council gave final approval to the first phase of the sidewalk repair program that will help foster a safer community for pedestrians and ultimately help increase property values (based on national studies).
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Goal: *Promote a healthy community with recreational activities provided by the City and community partners*

Progress:

- City Council adopted Ordinance 2018-01 which, among other things, established a Parks and Recreation Advisory Board
 - The Parks and Recreation Advisory Board (PRAB) is currently exploring the potential for outdoor pickleball courts, improvements to the Dog Park, and a survey of teens.
 - In July of 2019, Parks and Recreation surveyed users of the Dog Park to gather information on what improvements should be made. The survey results were analyzed and will be presented to the upcoming PRAB meeting.
 - In August of 2019, Parks and Recreation hired a part-time employee for the flag football program. Has been going great and once football ends they hope to explore other programming with him.
 - Parks and Recreation has created new brochures for their children's programs that will be distributed in the Milford School District at the beginning of the 2019/2020 school year
 - Parks and Recreation has recently begun utilizing Facebook for marketing, event notifications, cancellations, and updates. The page has been getting a lot of traffic
 - Parks and Recreation is looking into using a texting notification system with existing software or new software to better notify the public about cancellations due to weather events
 - Parks and Recreation is looking at new recreation software systems. They have had two demonstrations from vendors as of August 2019. The intent is to find a system that will be more user friendly, and easier for program sign-ups
 - Parks and Recreation are currently in the process of having a branded pop-up tent and banner made to have greater brand exposure when attending events and open houses
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Goal: *Bring more tourism to Milford*

Progress:

- As of May 2019, Parks and Recreation redeveloped their "kids zone" at the Bug and Bud festival, which was a huge success
- In 2018, Parks and Recreation assisted with a number of downtown events, such as the Bug and Bud Festival and the Freedom Festival, and the inaugural Ladybug Music

Festival. Additionally, they assisted with beautification events with DMI for St. Patrick's Day and Third Thursdays

- In 2018, the Parks and Recreation Director joined the Kent County Tourism Board. The Board has since hosted almost two dozen travel writers in Milford as part of a greater Kent County Tour to showcase and highlight the tourism opportunities in Milford
- In April of 2019, Parks and Recreation partnered with DMI to use TV advertising for the Bug and Bud Festival
- In April 2019, Parks and Recreation hired a drone photographer to create a short video overhead of the Bug and Bud Festival. This footage will also be used as an advertisement of the Bug and Bud Festival in the future
- In 2018, Parks and Recreation created an in-house tagline of "Make a difference and have fun doing it" to help guide their efforts
- In 2018, Quest Kayak rentals from Lewes established kayak and paddleboard rentals at a vacant space alongside Arena's restaurant. Parks and Recreation is still looking at creating more opportunities for recreation on the river

Goal: Operate in an Efficient and Responsible Manner

Progress:

- The Bilingual Compensation program is in place and two staff members are now qualified under the program.
- Some City documents have been translated to Spanish and Creole. Others will be considered on a case-by-case basis.
- The five-year capital improvement program (CIP) has been established and we are in the second year of using this planning tool.
- A Cost of Service Study is underway for water, wastewater and solid waste enterprise operations. Once completed, the City will be able to use the data from the study to update the rate structures to be fair to all rate categories. In addition, the data and other capital asset depreciation information can assist in formulating financial policies for fund balances.