

# City of Milford



## CITY COUNCIL AGENDA Monday, November 9, 2020

*In accordance with the State of Emergency Declaration issued by Governor John Carney that became effective on March 13, 2020, and as extended, all public meetings of the City of Milford shall be conducted electronically through Zoom until further notice to prevent unnecessary public gatherings.*

*This meeting is available for viewing by the public by accessing the following link:*

*<https://zoom.us/j/93404633162?pwd=eHkwRVdQRSt4WHR4WGtqTXZaTXhmQT09> Passcode: 010324 Members of the public may also dial in by phone using the following number: 1 312 626 6799 Webinar ID: 934 0463 3162 Passcode: 010324*

*Public Comments are encouraged on the items as noted on the agenda and must be submitted via email to [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) no later than the start of the meeting. Attendees may also alert the City Clerk that they wish to speak at the appropriate time by submitting their name, address, and agenda item on which they would like to comment via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. All public comments received will be read into the record at the meeting.*

### **7:00 P.M. COUNCIL MEETING**

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

New Employee Introduction/Public Works Intern, Jose Perez

Proclamation 2020-21/Veterans Day

Proclamation 2020-23/ World Pancreatic Cancer Day

Proclamation 2020-24/Small Business Saturday

Staff Reports

Monthly Police Chief Report

Monthly City Manager Report

Finance Department

Public Works Department

Planning & Economic Development Department

Parks & Recreation Department

Human Resources Office

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business

- Riverwalk Development/Washington Street Property/Land Disposition
- Kent Economic Partnership/Funding Request

New Business

- Introduction/Ordinance 2020-25/Change of Zone/2018 Comprehensive Plan Compliance/1-30-3.08-007.00; 1-30-3.08-026.00; 1-30-3.11-051.00; 1-30-3.11-052.01; 3-30-7.13-001.00; 3-30-7.13-002.00; 3-30-7.17-269.00; 3-30-7.17-270.00; MD-16-182.00-01-04.00; MD-16-183.07-01-65.00; MD-16-183.09-01-52.00;
- Introduction/Ordinance 2020-26/Final Major Subdivision/Milford Ponds (Phase II Only)/ 1-30-3.00-264.01, 1-30-3.00-558.00, 1-30-6.00-600.00 through -691.00
- Authorization/New City Position/Administration Department/Economic Development & Community Engagement Administrator

Executive Session

Motion to Recess into Executive Session

- 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
- Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation
- Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation
- Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency, and abilities of individual employees or students are discussed

Return to Open Session

- Potential Vote/Site acquisition
- Potential Vote/Collective bargaining agreement
- Potential Vote/Potential litigation

Adjournment

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

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

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

080720 081020 101320 101520 102320 102720 102820  
110620 Item Removed

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
September 28, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, September 28, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Danial Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

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

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See September 28, 2020 Council Meeting Agenda for additional information.

#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:05 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

##### *New Employee Introduction/Solid Waste Operator/Collector*

Public Works Director Svaby Director Svaby welcomed the city's newest solid waste driver Lawrence (Larry) Hardway. Mr. Hardway is originally from West Virginia and is presently living in Harrington along with his wife and children.

The following three proclamations were presented by Mayor Campbell and acknowledge dysautonomia awareness and recognize the fine work of our Customer Service and Electric Division employees:

##### *Proclamation 2020-16/Dysautonomia Awareness Month*

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, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the month of October 2020 to be Dysautonomia Awareness Month in the City of Milford.

*Proclamation 2020-17/National Customer Service Week*

City Manager Whitfield commended the Customer Service staff, commenting on the work they've been doing over the last several months because of the pandemic and the extra effort as a result of the ever-changing criteria that was placed on them with the Governor's Declaration of Emergency. But they have trudged through it all and have been able to keep our customers in power and utilities and deserve a lot of credit as a result.

Proclamation 2020-17  
National 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, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 5-9, 2020 to be National Customer Service Week in the City of Milford.

*Proclamation 2020-18/Public Power Week*

City Manager Whitfield also commented on the Public Power Week recognition adding it was an appropriate time to have the presentation by DEMEC and because Milford is a public power community. He is very proud of what these crews have been able to accomplishing and most recently earned a Reliable Public Power Provider (RP3) designation from the American Public Power Association for providing reliable and safe electric service. He is very proud of this accomplishment, adding that the prestigious award has only been given to a little more than 200 power companies throughout the United States which makes it even more special.

Proclamation 2020-18  
PUBLIC POWER Week

WHEREAS, we, the citizens of the City of Milford, place high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers 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, schools, and social service and local government agencies with reliable, efficient, and safe 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 citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

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

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 4-10 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

BE IT FURTHER 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 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.

PUBLIC HEARINGS:

*ORDINANCE 2020-23  
Code of The City of Milford  
Part II-General Legislation  
Chapter 88-Building Construction*

*Resolution 2020-24/Planning & Economic Development Department Fee Schedule*

Planning Director Pierce stated that he will discuss Ordinance 2020-23 and Resolution 2020-24 simultaneously.

He is proposing revisions to the planning department fee schedule that are outlined in Resolution 2020-24 as well as a minor code adjustment in Chapter 88 Building Construction which falls under Ordinance 2020-23.

The first change in the fee schedule deals with engineering and plan reviews. The current fee schedule states the developer/applicant is responsible for all professional service fees charged to the City of Milford, including legal and engineering review.

The Planning Department, Finance Department and Public Works Department find the current arrangement problematic for several reasons. First, the developer is unaware of the potential cost of the engineering review at the time of land use application and is sometimes surprised by the amount needed to cover these expenses. Secondly, the Finance Department has to bill each developer/applicant every month for engineering and legal fees incurred by the City, which requires monitoring by both departments to make sure all invoices are paid.

He said there are also situations where applications are denied or a project never moves forward and sometimes fees remain unpaid. Collecting these fees upfront will reduce the administrative burden on the City and provides a more predictable fee schedule that can be shared with potential developers/applicants during their initial visit. Proposed is a fee schedule that would

incorporate the anticipated engineering plan review fees, along with the Planning Department zoning review fees that will fall into two categories as shown in the resolution. They coincide with the two main submissions for each land use application type and would be collected upfront at the time of application submission.

The revised fee schedule provides a breakdown by application type and different development size categories. Such categories are similar to an ordinance recently adopted by the Town of Middletown. A cost comparison between the adopted Town of Middletown fees and proposed City of Milford fees is included in the packet. Milford's costs become lower as you get to larger submission and are approximately 75-85% of the costs charged by Middletown because they are tasked with doing sediment and stormwater management reviews. Milford generally looks for stormwater management within the roadways, and not necessarily the stormwater ponds, because those are the responsibility of the conservation districts in Kent and Sussex Counties.

The Planning Department zoning review fees would remain at \$1,000 plus \$10 per unit as shown on the current fee schedule. The Planning Department zoning review fee for commercial site plans would increase from \$700 to \$1,000 in the proposed fee schedule. The resubmission fee for each plan review would be at least \$1,000 and the City would reserve the right to bill the applicant/developer for additional fees incurred from the City engineering consultant for incomplete submissions, significant changes from previous submissions, poor quality of plans or other conditions that fail to adequately address requirements.

Legal fees will no longer be billed to the developer unless a legal interpretation is requested. These fees would be built into the overall fee for preliminary and final plan review.

This reduces the administrative burden on the City for billing and would provide a more predictable fee schedule for the applicant/developer. He will continue monitoring the costs to make sure legal expenses are covered in the current fee structure.

Also recommended is the addition of an Engineering Construction Inspection Fee to the City Fee Schedule. Historically, when Milford was performing inhouse engineering inspections under the guidance of the City Engineer, the City would charge an inspection fee of 4% of the construction costs of all infrastructure that was to be owned, operated and maintained by the City of Milford. This fee is currently outlined in many subdivision agreements, but the Planning Department and Public Works Department feel it is necessary to add this fee to the adopted fee schedule.

A minor adjustment to the current annexation fee structure is also proposed to make it more affordable for smaller residential properties to annex into the City. This may help with annexing infill properties that are already developed and interested in receiving City services. Currently, a residential parcel of one acre or less pays \$700, while a residential parcel greater than one acre would have a \$2,500 fee. It is recommended changing the fee for residential parcels less than two acres to pay \$700 and anything beyond would be charged \$1,000 plus \$100/acre.

Commercial annexation fees would remain the same.

Also recommended is modifying the violation fee for contractors that perform building construction without a building permit from the City of Milford from "\$100 plus the permit fee or double the normal permit fee, whichever is less" to "\$100 plus the permit fee or double the permit fee, whichever is greater."

It is believed that a \$100 fine for working without a building permit is not a deterrent for contractors and property owners to obtain permits before proceeding with work.

The City Building Official recommends amending Chapter 88 Building Construction to require ice barrier underlayment for roof construction. Ice barrier underlayment provides protection from ice damming which results from ice accumulation along the fringes of the roof wicking beneath roof shingles causing wood rot over time.

He concluded by stating this is a summary of the proposed changes for Ordinance 2020-23 and Resolution 2020-24.

Councilman Fulton asked if the ice barriers for new construction only or also applies to roof replacement; Mr. Pierce explained the building official will want an ice barrier underlayment added with a complete roof replacement. However, it would not be required if another layer of singles added.

The Planning Director is not familiar with the average cost to add an ice barrier shield.

Councilperson Wilson confirmed that this will be a requirement by the City and asked if this is something the roofing contractor would automatically do or is this something new. Mr. Pierce said that some contractors may do this already. Some building officials may require this in other jurisdictions. It is not something that's currently in our code, but is something building officials are looking for. The purpose of this addition to our building code is to prevent damage to the roof and presently, the sheathing is not the entire roof itself. This is typically done from the gutter or the lip of the roof back a few feet to prevent water from entering on the underside of the roof shingles. So it will not be needed for the entire roof.

Councilmember Culotta added that any good roofer roofing contractor would normally put this in and has become an industry standard at this point. He does not see a problem requiring it only for a complete roof replacement. Technically, a contractor is able to add new shingles over one layer, but most good roofers prefer not to.

Councilmember James said he recently received an estimate for a new roof and all three contractors required this in order to guarantee the roof.

Councilmember Culotta pointed out that Milford requires a separate roofing permit from general construction. There have been issues in the past with roofers running off with down payments and not completing the job. But it is normally part of the roofing inspection process.

He asked that when this is added followed by the sheeting on the roof, like tar paper, if that is the method being used, is going to require two inspections. Otherwise there is no way to verify the barrier was put on and asked how that will be handled. Mr. Pierce said that will need to be discussed with his building officials. Right now, with the amount of new construction, they should be able to see this a lot easier than the roof repairs. But that needs to be discussed with the building official on the timing and what he would want to see from the applicants.

There is some difficulty already getting contractors to call in for inspections, even just to close them out, but is something they are working on.

Councilmember Wilson pointed out how often insurance companies only allow patch jobs for roof repairs versus a new roof. She is unsure how that could be managed; Mr. Pierce said that for small repairs as a result of damage, does not require a permit. A permit is generally for a roof replacement or laying another layer of shingles down. In addition, an ice barrier would not be required for small jobs.

He explained that because he was amending the fee schedule and Chapter 88, the ice barrier was something that the building official had on his desk for some time and he felt an appropriate time to add. However, if council is uncomfortable with the requirement, it can be removed from the ordinance and just approve the fees in order to provide predictable upfront cost for the developers.

Solicitor Rutt pointed out that if the code does not require the ice shield, the insurance company will not pay for it. However, if it is a code requirement, they would then consider it part of the repair.

When asked if it would be required for metal roofs as well, Mr. Pierce said he would need to speak with his building inspector to clarify that. Councilmember Fulton pointed out the ordinance only references shingles.

Mr. Pierce also emphasized this will only be in the residential code section.

Councilmember Fulton asked if the ordinance could be modified to state shingled roofs; City Engineer James Puddicombe then responded and confirmed it is only used on shingled roofs. The reasoning behind that is because shingle roofs are overlaid and as ice sits on the lower edge, it can seep in and cause issues with the OSB sheathing below it.

The City Engineer explained it is basically like a tar paper but thicker. It is not needed on metal roofs because it is a continuous piece.

Councilmember Fulton agrees adding for that reason, the very first sentence should stay say for shingle roof construction instead of roof construction. He referenced Chapter 88-Building Construction Code amendment that states ‘the city building official recommends construction to require ice barrier underlayment for roof construction’.

Mr. Pierce explained that Chapter 88 is only being modified in the table changes ‘no’ to ‘yes’ and Councilmember Fulton was satisfied.

Mayor Campbell then opened the floor to public comment on Ordinance 2020-23 and Resolution 2020-24. No one responded after several offers by the Mayor. The floor was then closed to further comments.

Councilmember Boyle moved to adopt Ordinance 2020-23 in order to amend the Building Code to require ice barrier underlayment and moving the violation fee to the City fee schedule as discussed, seconded by Councilmember Culotta. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Resolution 2020-24 related to modifications to the engineering, zoning and building permit fee schedule, seconded by Councilmember Culotta:

CITY OF MILFORD  
RESOLUTION 2020-24  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE

WHEREAS, the City Council has adopted certain rules and regulations for the purposes of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the present and future inhabitants of the City of Milford; and

WHEREAS, City Council, through ordinance, has adopted associated codes requiring specific actions and services; and

WHEREAS, the cost of providing these various services consistent with applicable codes, regulations, and policies periodically increase or decrease, or certain services or practices are discontinued and fees are no longer needed; and

WHEREAS, it is the intent of the City Council to charge appropriate fees and charges that are consistent with the services provided, and to cover the public cost of providing these various services, so that the public is not subsidizing individual benefits derived therefrom; and

WHEREAS, these various codes set forth that fees shall be set by resolution.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

<b>PLANNING &amp; DEVELOPMENT FEES</b>		
Description	Fee	
<b>Major Subdivision</b>	<del>Preliminary or Final, Residential</del>	<del>\$1,000.00 plus \$10.00 per unit</del>
	<del>Preliminary or Final, Other than Residential</del>	<del>\$1,000.00 plus \$100.00 per lot</del>
<u>Major Residential Subdivision / Land Development Plan (up to 25 lots)</u>	<u>Preliminary Plan Review</u>	<u>\$1,750.00 plus \$85.00 per unit/lot</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$3,500.00 plus \$185.00 per unit/lot</u>
<u>Major Residential Subdivision / Land Development Plan (greater than 25 lots)</u>	<u>Preliminary Plan Review</u>	<u>\$3,000.00 plus \$30.00 per unit/lot</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$6,500.00 plus \$85.00 per unit/lot</u>
<b>Minor Subdivision or</b>	<del>Final, Residential</del>	<del>\$300.00 plus \$50.00 per unit</del>
	<del>Final, Other than Residential (less than four acres)</del>	<del>\$500.00 plus \$100.00 per unit</del>
<b>Lot Line Adjustment</b>	<del>Final, Residential</del>	<del>\$300.00 plus \$50.00 per unit</del>

	<u>Final, Other than Residential (less than four acres)</u>	<u>\$500.00 plus \$100.00 per unit</u>
<u>Minor Subdivision or Lot Line Adjustment (up to 5 lots)</u>	<u>Final Residential</u>	<u>\$300.00 plus \$50.00 per unit</u>
	<u>Final, Other than Residential</u>	<u>\$500.00 plus \$100.00 per unit</u>
	<u>Engineering Construction Review</u>	<u>Fees charged to the City of Milford by engineering consultant, plus 10%</u>
<u>Site Plan</u>	<u>Preliminary, Final or Amendment</u>	<u>\$700.00</u>
<u>Land Development Plan (up to 9,999 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$2,000.00 plus \$75 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$3,000.00 plus \$50 per 1K SF of GFA</u>
<u>Land Development Plan (10,000 sf to 50,000 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$2,500.00 plus \$30 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$4,000.00 plus \$50 per 1K SF of GFA</u>
<u>Land Development Plan (greater than 50,000 sf of GFA)</u>	<u>Preliminary Plan Review</u>	<u>\$3,500.00 plus \$10 per 1K SF of GFA</u>
	<u>Final Construction and Record Plan Review</u>	<u>\$5,000.00 plus \$40 per 1K SF of GFA</u>
<u>Conditional Use or Amendment to a Conditional Use</u>		<u>\$700.00</u>
<u>Zoning Map Amendment/Comprehensive Plan Amendment</u>		<u>\$1,000.00 plus \$100.00 per acre</u>
<u>Zoning Code Amendment Request</u>		<u>\$700.00</u>
<u>Annexation</u>	<u>Residential, less than 1 acre</u>	<u>\$700.00</u>
	<u>Residential, 1 to 5 acres</u>	<u>\$2,500.00</u>
	<u>Residential, 5+ acres</u>	<u>\$2,500.00 plus \$100.00 per acre</u>
	<u>Residential, less than 2 acres</u>	<u>\$700.00</u>
	<u>Residential, 2+ acres</u>	<u>\$1,000.00 plus \$100.00 per acre</u>
	<u>Other than Residential</u>	<u>\$2,500.00 plus \$500.00 per acre</u>
<u>Variance(s)</u>	<u>1-3 variances</u>	<u>\$300.00</u>
	<u>4-6 variances</u>	<u>\$400.00</u>
	<u>7+ variances</u>	<u>\$500.00</u>
<u>Board of Adjustment Hearing (no variance)</u>		<u>\$300.00</u>
<u>Subdivision Agreement</u>		<u>\$2,500.00</u>
<u>Zoning Verification Letter</u>		<u>\$20.00</u>
<u>Certificate of Use</u>		<u>\$75.00</u>
<u>Legal Interpretation of Subdivision or Zoning Code</u>		<u>\$300.00</u>
		<u>Cost of legal services provided plus 10% administration fee</u>
<u>Street or Alley Closing</u>		<u>\$300.00</u>
<u>Application Resubmission or Rescheduling Fee</u>		<u>\$200.00</u>
<u>Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)</u>		<u>Fees charged the City of Milford, plus 10%; Billed as encumbered.</u>
<u>Incomplete/Resubmission/Re-review Engineering Fee</u>		<u>\$1,000.00</u>
<u>Transfer of Development Rights (TDR) Credit</u>		<u>\$3,000 per dwelling unit</u>
<u>Engineering Construction Inspection</u>		<u>4% of Construction Costs for all infrastructure to be owned, operated and maintained by the City of Milford.</u>
<u>ENGINEERING REVIEW: At the time of filing an application for plan review, the applicant shall submit to the City the fees required to cover the engineering plan review in accordance with the adopted Fee Schedule listed in this Resolution. Incomplete submissions, plans that have changed significantly from a prior submission, or plan submissions that fail to adequately address mandated requirements may be charged an additional fee as determined by the City Manager in order to cover expenses associated with the additional cost for the engineering review.</u>		

<b>BUILDING INSPECTION AND PERMITTING FEES</b>		
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	
<u>Violation Fee</u>	<u>\$100.00 plus the building permit fee or double the normal permit fee, whichever is greater.</u>	
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 Enhancement Fund	3/4 of 1% of heated square feet cost	

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

Section 2. This Resolution replaces in its entirety Resolution 2019-15.

Section 3. Dates.

Adopted: September 28, 2020

Effective: October 8, 2020\*

\*Coincides with effective date of Ordinance 2020-23

Motion carried with no one opposed.

**ORDINANCE 2020-24**

*1st State Self Storage OZ, LLC on behalf of Savannah Ventures, LLC for a Conditional Use to allow a business use that will not adversely affect neighboring properties, and to allow a dwelling other than single-family with a maximum density of 12 units per acre on 9.0 +/- acres in a C3 Zoning District. Property is located along the east side of S DuPont Blvd approximately 350 feet south of the Route 14 intersection, addressed as 11 S DuPont Blvd, Milford, Delaware. Present Use: Vacant; Proposed Use: Self Storage building with manager's office/residence. Tax Map: MD-16-183.09-01-58.00*

Mr. Pierce reported this is a conditional use application for self storage. The property is designated as commercial within the comprehensive plan and is currently zoned C-3 highway commercial and is currently vacant. The applicant proposes to construct a 72,000 square foot self-storage facility, including an office and residency for the office manager.

The property is south of the railroad tracks on Route 113, and south of the SR 14/Front Street/Milford-Harrington Highway intersection and bound on the north by the railroad track easement.

He shared that Chapter 230-14(c)17 states business commercial or industrial uses that do not adversely affect neighboring properties are a conditional use subject to special requirements set forth by city council. Paragraph (c)14 states all dwellings, other than single family with a maximum density of 12 units per acre are conditional use subject to special requirements set forth by Council.

Also included in the packet is the zoning map and a copy of the preliminary site plan, a conditional use narrative that was provided by the applicant and comments and responses from various agencies.

The public notice was mailed all properties within 200 feet of the subject parcel.

The application was reviewed by the Planning Commission at their September 15, 2020 meeting at which time the Planning Commission recommended approval upon unanimous vote with the following six recommended conditions:

- \*Provide unobtrusive lighting to neighboring properties
- \*Provide security fencing around the entire perimeter
- \*Provide customer security gate access hours limited to 6:30am to 9pm
- \*Maintain the tree line screening on the east side of the property separating the commercial property from the residential zone parcel.
- \*Limit to one story building
- \*Maintain a 15-foot buffer along the same property line shared with the residential property to the east

David Huff of Morris James Attorneys was present to represent First State Self Storage which is the applicant on behalf of Savannah Ventures LLC, the owner of the property. Bruce O'Heir representing First State Self Storage, PE's Ken Usab and Ashton McLaughlin of Morris and Ritchie Associates were also participating.

Attorney Hutt then provided the following statement:

As the Council just heard from Mr. Pierce, Council is asked to consider a conditional use application for the undeveloped nine acres situated along Route 113, just south of the railroad tracks by the Walgreens at the intersection of Routes 113 and 14. I'm sure everyone on Council is very familiar with the property, but of course on the east side of Route 113 is Silver Lake and on the west side of Route 113 is Haven Lake. The Mispillion River connection between the two lakes, runs along the southern boundary of this property.

The conditional use that is being considered this evening is for a self-storage facility consisting of a little more than 72,000 square feet of storage area and a 1,200 square foot managers office and residence.

The property is owned C-3 highway commercial and Milford's Zoning Code for C-3 highway commercial zoning districts states that the purpose of the C-3 district is to provide for larger scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

Some of the specifically permitted uses within the C-3 are supermarkets, warehouses and fast food restaurants. The best examples of this district or what is immediately to the north of this property presently. On the other side of the railroad tracks is the Walgreens at the intersection with Front Street. Switching to the other side of the road displays the C-3 area that extends north along Route 113, and includes Starbucks, Chick-fil-a and a host of other uses.

These are all the type of uses that the zoning code just described with the purpose of the C-3 zoning district. Most people consider them to be larger scale uses and have somewhat significant parking requirements and a higher traffic impact due to their retail nature or the restaurant nature of the use.

Route 113 is one of Delaware's major north/south corridors where these type businesses serve not only the local Milford residents, but a broader region as well. While this property is located on Route 113, what distinguishes this application from those properties is that there is not a large parking requirement that accompanies and does not generate the traffic or have the traffic impact other permitted uses in the zoning district would have

In short, as you know, this zoning district is some of the busiest commercial areas for the city and this application proposes a commercial use. It is one of the least intense impacts of any potential commercial use for that district.

They are here for a conditional use because of the self-storage facility and the accompanying manager's office and residence is not in the list of permitted uses in the C-3 district, but allowed through the conditional use process.

Referenced earlier was section 230-14(c) sub sections 16 and 17 and the town zoning code itself describes the purpose of a conditional use as being a tool to maintain a measure of control over uses that have an impact on the entire community. The code goes on to state that conditional uses must assure neither an adverse impact on adjoining properties, nor the creation of a public nuisance.

Lastly, because of the nature of conditional use, it requires sound planning judgment on its location and site arrangement. Within those broad land use planning concepts, section 230-48 provides six more specific criteria to be used when evaluating conditional use applications.

The staff report submitted by the Planning Director and his staff reviewed those items individually and he wants to provide a few comments. The first item in that list of criteria is the presence of adjoining similar uses. The uses in the area were discussed and are not storage facilities, but C-3 allows for warehouse uses which is a much larger impact. This proposed conditional use is for a less intense use than the other permitted uses that are adjacent or nearby.

The second criteria requires an adjoining district in which the use is permitted. Though he does not believe the zoning code allows self-storage facilities, it is a conditional use in the C-3 district.

The third criteria is the need for the use in the area that is proposed, as established by the comprehensive plan.

As noted in the staff report, the use is consistent with the commercial area as is designated in the comprehensive plan.

Additional residential areas are in the surrounding area and are being further developed and this is an important compliment to those uses whether people are in between homes or moving to the area or downsizing.

The fourth criteria is sufficient area to screen the conditional use from adjacent different uses.

This is one of the strengths of this application and as can be seen from the site plan, there are a number of existing natural border or other barriers that help insulate this proposed conditional use.

The proposed fence would surround the entire perimeter, combine the fence with a wood line that would remain as a barrier to the residential property.

The fifth factor for consideration is that the use will not detract from permitted uses in the district. This is a quiet and less intense use and would not detract from the other busier uses that exists in this district.

The last factor for consideration is the sufficient safeguards such as traffic control, parking, screening and setbacks that can be implemented to remove potential adverse influences on adjoining uses.

The Planning Commission's recommendation came with six conditions to further ensure sufficient safeguards in place for neighboring properties.

Mr. Hutt also reviewed the six safeguards previously stated by the Planning Director which include the one-story building max, unobstructive lighting, security fencing around the entire perimeter and a security gate access will exist between the hours of 6:30am and 9pm.

The last two conditions are to maintain the tree line screening on the eastern side of the property and a 15-foot buffer on the east side of the property, where the two residences exist.

He concluded by asking that City Council accept the Planning Commission's recommendation and approve the requested conditional use with the six conditions.

Mr. Hutt then asked Mr. Usab to review some of the more specific details such as the entrance point and other type of site concerns.

Mr. Usab introduced himself from Morris and Ritchie Associates at 8 West Market Street in Georgetown, Delaware. The following information was then supplied by PE Usab:

The site front directly on US Route 113 area. The proposed entrance is located at an existing crossover on the site. It is actually the same general configuration that was designed by our firm a number of years ago for a project that was previously approved that included a commercial office, as well as self storage at that time.

The building was oriented and push the more intense development of the site towards the north along the existing railroad and away from the more sensitive nontitle wetland areas that are to the south, Haven Lake and the Mispillion River.

The buffers will be maximized to this steep slope as much as possible. In order to convey the stormwater runoff in a non-erosive manner to the discharge point in the wetlands, or the Mispillion River, a stormwater management facility, will be constructed as was similarly previously approved by the conservation district,

The stormwater will be pretreated to meet DNREC and local ordinances regarding water quality and quantity management. Fire protection will be provided for the building structures and adequate access for safety equipment as well as a truck turnaround at the end.

Paved parking, will be provided, including ADA parking at the manager's residence. Loading and unloading spaces will be strategically located adjacent to the buildings at the entrances to facilitate access by the individuals leasing spaces in the units.

A shared use path connection to the existing pedestrian path connection up and adjacent to Route 113 on and along the railroad, extending that down and across this entrance, subject to DelDOT approval.

Wastewater from the managers residence will only require one EDU and the design will be very similar to what was proposed in their earlier project.

When asked if the pond will be wet or dry, Mr. Usab said at this point, it will probably be a wet pond or a submerged gravel wetland.

Councilman Marabello asked if landscaping will be added to the entrance to make it more attractive, Mr. Usab explained they are somewhat limited to what can be done in a DelDOT right-of-way. There will be a vinyl screening fence and depending the room available after constructing the shared use path, will be adding some limited landscaping along the front.

Councilman Fulton asked if these are the exterior entrance, roll up door type storage facilities or internal storage facilities; Mr. (Bruce) O'Heir, Manager of First State Self Storage, answered this will include both the exterior doors and the interior climate facilities.

Mr. O'Heir further explained the exterior of the buildings will be non-climate control with access. The interior will be climate control with the normal HVAC both heating and air conditioning.

When asked about vehicle storage, Mr. O'Heir said he does not believe there is sufficient space for that. He three other facilities-two in Georgetown and one in Millsboro and his preference is not to have vehicles storage.

When asked about the wetlands buffer variance from the Board of Adjustment, Attorney Hutt confirmed that variance was approved by the Board of Adjustment. Mr. Pierce then referenced the site plan noting the areas that received a buffer down to the edge of the wetland line that needs approval by Sussex Conservation District.

Planning Director Pierce then provided a detailed explained of the allowance permitted in the ordinance that does not require a variance. However, due to the unique circumstances of the site, the board felt it was necessary to allow some disturbance to regrade and stabilize the slopes. Otherwise, the possibility of more erosive forces exists that would be detrimental to the wetlands.

Mr. Hutt confirmed that concludes their presentation though they are available for further questions.

There being no further questions from Council, Mayor Campbell opened the floor to public comment.

Nina Pletcher of 28 South Walnut Street had a couple questions. She wanted to be sure the access will be at the newly renovated DeIDOT King Highway Exit/Entrance onto Route 113 because there's nothing else between there and the railroad tracks to get to this property.

Director Pierce explained the right-in/right-out of the site that would not be at the Kings Highway traffic light, but somewhat across from the North Shore Drive left turn lane.

Ms. Pletcher agreed that is the only access to that property that exists. She was there yesterday and the traffic coming out of Ocean City was non-stop, bumper-to-bumper. She sat there waiting for someone to let her get through to Kings Highway. She asked if there are any other places in the city to put this. She said those residences have been on Kings Highway.

The worst thing that ever happened was at Route 1 at the marina. And when driving down Route 1 and there is a storage unit right in the middle of Route 1 and it is unbelievable. We just keep putting things in our way and are tripping over ourselves. We want to have a we want to have a walkable city, bikeable cities and a beautiful city. We want people to come here and then we put everything in our way and trip over ourselves trying to deter people from wanting to move here.

She asked the environmental impact adding that guys go down that little access and fish. She asked if that is going away.

Solicitor Rutt explained this property is north of Kings Highway and the entrance is on and off Route 113.

She asked where because there will only be one-way in. They will have to be going north to get into that property if it's accessing off of 113. If they are coming from the railroad tracks, they have to get in the turn lane, then head back towards Walgreens to access this site.

She said by the way, this is a traffic nightmare. When the light turns red or the railroad train is there is unbelievable especially during the summer.

Councilmember Culotta said this will be a commercial property on a busy highway, which needs to be accessible for people to use. He prefers they access it off Route 113 as opposed to coming off Kings Highway. Ms. Pletcher agrees.

Councilmember Culotta said what he is saying is that he would love to see the access on 113 and not Kings Highway and we cannot stop progress.

Director Pierce said an access off Kings Highway would not work without building a bridge.

He continued by saying that one of the things the Planning Commission took into consideration is from a commercial property standpoint, from the traffic trip count, you cannot get much less volume than a storage facility. If this were offices or a commercial strip center, traffic would have integrator consideration in my opinion.

Ms. Pletcher continued by saying if there's any way this could all be internal. In other words, you have to get out of your car and walk into a building where the sliding doors are all inside versus the sliding doors outdoors. She thinks that would be less of an eyesore if the building was uniform on the outside and access to the storage units was all inside

When no one else indicated they were interested in commenting, Mayor Campbell closed he public hearing.

Councilmember Culotta moved to adopt Ordinance 2020-24 for First State Self Storage with the six conditions recommended by the Planning Commission, and thinks Milford needs more storage and this will add some climate control ones which Milford has few of, if any, and thinks this is good. Councilmember Wilson seconded the motion.

Motion carried by the following 7-1 roll call vote:

Councilmember Marabello: Yes, because it's the least offensive and they have three locations and conforms to the Planning Commission's approval and the impact to the community is minimum, compared to other things permitted there.

Councilmember Boyle: Yes based on the recommendation from the Planning Commission.

Councilmember Fulton: No and finds something like this on an opening into the city is not conducive to the city picture we're trying to present everywhere else. And based on the fact Milford has five other self-storage facilities off main thoroughfares for public use.

Councilmember Culotta: Yes and appreciate Councilmember Fulton's comments but believe that self-storage units are needed in the City of Milford. Council recently denied the same type of request out near the Veterans Home. If someone doesn't want them out by the Veterans Home and the business park, then they should be on a major thoroughfare access and Route 113 is the biggest road through Milford. This is important and he is surprised it took this long develop that land.

Councilmember Baer: Yes, he supports the proposal in accordance with the Planning Commission's recommendation.

Councilmember Morrow: Yes, in support of the Planning Commission.

Councilmember James: Yes, in light of the conditions placed on the application by the Planning Commission and the low impact of self storage. He thinks that's about the lowest impact use we could possibly have there. And he does think this location with the buffers that are going to be placed there will be a good fit.

Councilmember Wilson: Yes, based on the recommendation of the Planning Commission.

## COMMUNICATIONS & CORRESPONDENCE

Councilmember James said he first wanted to talk about customer service who was earlier recognized. He wanted to comment about the great things he has heard from many residents about Vicky (Love). Whenever there's an issue, whether business or personal, she goes out of our way, not just to explain things to people. She is very genuine in her interaction.

He also reported there is a lot of activity on North Street and Brightway Commons. He has talked to the Chief and some of his sergeant when they are there trying to address issues in this particular war. So, on behalf of the residents of Fourth Ward, which includes Councilmember Wilson, they appreciate Chief Brown's interactions and looks forward to working together to make things more peaceful.

Councilmember Culotta recalled at the previous Council meeting, he mentioned some speeding problem on South Walnut Street, particularly close to the railroad tracks. But Chief Brown has addressed it and he has received a lot of feedback from the residents who are now very happy with how he handed it.

Councilmember Wilson asked if the City Manager could contact the property owner of the Food Lion Shopping Center because the potholes are horrific. A patch job might do it, though they really need to fix those roads, especially with the beautiful restaurant that is almost completed and all of the storefronts which make it a busy center.

Councilmember Fulton forwarded an email to the City Manager and Chief Brown about the continuing speeding concern around the old Middle School. With a lot of the schools back in session and sports being reactivated, there are a lot of younger runners and a lot of sports being practiced. He has heard a lot of concerns from constituents in the area concerning speeders that see Seabury as a speed track coming off Route 113 and think it is an extension of the highway down to the stop sign. The same applies to School Street.

Mayor Campbell then talked about last Saturday, Councilman Jams and he had an event with the Haitian community to learn about unemployment and applying for jobs. He contacted the Department of Labor, and also the Division of Unemployment who set up in the back of City Hall. Fifteen families were used as a trial and the good news is that one of the workers was entitled to \$20,000 that he was unaware of.

He is currently waiting on feedback and will probably open it up to a few more families.

Councilmember James agreed it went well and was very professional. The representatives from the State were very interactive. The interpreters were very useful, which resulted in very friendly atmosphere.

He concluded stating that everyone there had their needs addressed and he looks forward to expanding this to the Haitian community and work on ways to get the word out.

Councilmember Wilson added she is very happy and pleased Mayor Campbell and Councilmember James they reached out to this community. It's been long overdue. And is more pleased they are more comfortable coming forth than they had been in the past. She supports the efforts and want to be a part of this though a lot of recent family matters have needed her attention, though she is definitely rooting for this program and plans to partake in the future.

#### UNFINISHED BUSINESS

##### *Authorization/Lease/Children & Families First Inc./518 N Church Street*

Solicitor Rutt recalled discussing this briefly at the meeting. The lease has been created that clarifies the fact the City owns the land and the improvements are owned by Head Start. The city was advised by Head Start/Children & Families First Inc. will actually be the owner of the structure.

The lease is for \$1 and has tightened up their responsibilities considerably and made them responsible for maintaining the property. If the city inspectors feel there needs to be improvements made, they will be obligated to do so. There is a need for them to comply with all city ordinances and state regulations for childcare and daycare facilities.

It has been sent to Mr. Wood, who is the representative of Children & Families First and the next day he received a response stating they reviewed it and were willing to sign it.

When questioned about the legal owner of the building, Mr. Rutt said he posed that question to Mr. Wood who indicated that Children & Families First would be the owner of the structure.

Mr. Rutt explained these are contracts awarded through HHS awards. Telemon was the prior contractor and the City is not privy to the HHS contractors. He assumed that when Children & Families First was awarded the contract, part of that obligation is that Telemon assign them whatever interest in the structure that they have. He has to rely on what Children & Families First in terms of ownership of the structure. However, this is not something that would be recorded.

Mr. Rutt will inform Mr. Wood that Council has authorized the agreement and that he can sign in counterparts.

Councilmember James moved to approve the Mayor and City Clerk executing the lease with Children & Families First, Inc., seconded by Councilmember Wilson. Motion carried.

#### NEW BUSINESS

##### *Appointment/Parks & Recreation Advisory Board/Ian Wright*

City Manager Whitfield reported that on September 9<sup>th</sup>, a resignation from Parks and Recreation Advisory Board Member Edward Evans was received. This was the result of being hired by Parks and Recreation as a fall soccer coach. Therefore, he can no longer serve on the board.

Last month, Parks and Recreation Director Brad Dennehy had interviewed Mr. Ian Wright for a different opening on the Parks and Recreation Advisory Board. While they were both very impressed with Mr. Wright, it is their recommendation that Mr. Wright be appointed to fill the vacancy left by Mr. Evans.

Councilmember Boyle moved to appoint Ian Wright of 600 Maple Avenue to the Parks and Recreation Advisory Board to fill the vacancy left by Mr. Evans, seconded by Councilmember Fulton. Motion carried.

*Adoption/Resolution 2020-25 Trick or Treat Event*

City Manager Whitfield shared that Governor Carney has announced that Trick or Treat will be permitted this year. However, he and his staff are currently in the process of putting forth some guidelines.

As a result, it is recommended that Trick or Treat be held on Saturday, October 31<sup>st</sup> between the hours of 5pm to 8pm, which is an hour longer than what is normally permitted. We suspect this will be a well-attended activity due to the number of calls being made to City Hall encouraging Council to allow it.

Councilman James recommends we strongly communicate to the public with the recommendations that will be established to encourage social distancing and other requirements. He does not want these children to become asymmetrical carriers, go home to their parents and grandparents, and then we have a community full of Covid-19.

City Manager Whitfield assured Council that when we receive the guidelines, we will be publicize to our website and send out through our alert system.

The City Clerk shared that she and Mr. Whitfield discussed it and hoped that adding the extra hour would allow trick or treaters to spread out more within the city during the three-hour time frame versus just one neighborhood.

When Mayor opened the floor to public comment, Nina Pletcher asked if the children will be required to wear masks other than Halloween masks. In hopes this will be addressed by the State's Halloween guidelines, Ms. Hudson emphasized that trick or treating is still only an option, and parents can make the decision whether or not their children participate. In addition, residents who did not want or should not give out candy can simply keep their doors shut and their lights off as an indication, which has always been the normal process for Halloween and is addressed in the current resolution.

Ms. Pletcher expressed concerns over who will be enforcing the regulations, adding that there will be a boatload of kids walking around and either no one will have their lights on and just a lot of children running everywhere. She then asked if any consideration has been given to a trunk or treat or comparable event, which would allow more surveillance of the group and better managing of the numbers. Though not sponsored by the City, Ms. Hudson said there are a number of similar events being planned by churches and other organizations. One church, the Milford Church of Nazarene, has an event each year and has already confirmed it is planned again this year.

Ms. Hudson also offered any church or civic organization planning a public event for children to contact her office and the city will be happy to share that information through their website and social media.

There being no further comments by the public, the floor was closed.

Councilmember Fulton moved to adopt Resolution 2020-25, scheduling Trick or Treat as an optional activity on October 31<sup>st</sup> from 5pm to 8pm in the City of Milford, seconded by Councilmember Culotta:

RESOLUTION 2020-25  
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 Saturday, October 31, 2020 between the hours of 5:00 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.
- \*It is recommended that all pertinent guidelines set forth by Governor John Carney be followed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 28<sup>th</sup> day of October 2020.

Motion carried.

*Adoption/Resolution 2020-26/Authorizing Reimbursement Expenses*

City Manager Whitfield reported this item relates to the reimbursement to the Mayor for both cell phone vehicle expenses. Presently the reimbursement is done by actual expenses and receipts. However, for recordkeeping purposes, a more manageable method is to handle in the same manner as other administrative staff who are provided a car allowance of \$200 a month and a \$40 a monthly stipend for a personal cell phone.

Councilmember James said he supports the resolution on behalf of our current Mayor or any future Mayor. Considering the amount of travel that is required, in addition to the ongoing business conducted with his cell, this seems appropriate. In Mayor Campbell's case, he goes out of his way to attend activities and events as a representative of the city. He thinks the reimbursement resolution is proper. Councilmember Wilson agreed adding it is long overdue.

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

Councilmember Boyle then moved to adopt Resolution 2020-26 authorization reimbursement expenses, seconded by Councilmember Wilson:

RESOLUTION 2020-26  
AUTHORIZING REIMBURSEMENT EXPENSES FOR THE MAYOR

WHEREAS, The City of Milford Charter Article 4.03 states the Mayor shall receive reimbursement for actual and necessary expenses incurred in the performance with the duties of his/her office, in accordance with a policy established by the City by Resolution;

WHEREAS, The City of Milford Personnel Policy 11.10 states the Appointing Authority and his/her appointees are authorized to have cellular phones or smart phones, to conduct City business. In addition, Appointing Authorities may receive or authorize a monthly communications allowance in lieu of use of a City issued cell phone, smart phone or data device. The amount of such communications allowance will be established in the City's policy regarding telephones and data devices; and,

WHEREAS, The City of Milford Personnel Policy 13.1 states 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.; and

WHEREAS, A resolution is required to establish reimbursement expenses policies for the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, AS FOLLOWS:

Section 1. The Mayor shall receive the same monthly reimbursement for personal cellphone as provided for all other City employees.

Section 2. The Mayor shall receive the same monthly vehicle allowance for the use of his/her private vehicle in the performance of his/her duties within Kent & Sussex Counties as provided for all other City employees.

Section 3. Such authority shall remain in force until revoked by a future Resolution adopted by City Council.

Section 4. Any prior authorizations not consistent with the positions as stated in this Resolution, are hereby rescinded.

Section 5. Duly adopted and effective this 28th day of September 2020, by the City of Milford, in lawful session duly assembled.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file at the City of Milford Finance Department.

Motion carried with no one opposed.

*Adoption/Resolution 2020-27/Sewer Fee Schedule/Aid-in-Construction Fee/Route 30 SE Regional Pump Station*

Planning Director Pierce provided a proposed revision to the Sewer Fee Schedule that adds an Aid-in-Construction Fee for the recently completed State Rt 30 SE Regional Pump Station project. The City of Milford incurred expenses constructing new infrastructure to accommodate future growth in the Southeast Neighborhood. These expenses should be reimbursed on a per unit basis to the city in the form of an Aid-in-Construction (AIC) Fee.

In 2015, the City of Milford entered into a Public Works Agreement with Bayhealth, Wickersham Subdivision owner and Wilson Contracting, Inc. for the design and construction of pump station. This regional pump station would primarily serve those properties west of State Route 1, north of Johnson Road and south of Wilkins Road.

The city contributed funds towards the design and construction equivalent to One Hundred Equivalent Dwelling Units (EDUs) with the intent of recouping the funds from future development within the sewer collection area. The construction of the regional pump station was completed in 2019 at a cost of \$1,158,679.66. The City funded 13.79% of those project costs (\$159,817.88) which was the city's proportionate cost share outlined in the Public Works Agreement.

Based on the agreement and recoupment language in the agreement, the initial AIC fee would be \$1,598 per EDU and would increase at the same percentage rate as the sewer impact fees. The AIC fee would allow developers within the sewer collection area to purchase capacity from the existing pump station instead of incurring additional upgrade costs. Additional EDUs would be available for any future development in the area until the one hundred EDUs have been used.

He concluded by explaining that other developments that connect into the regional pump station, outside of those shown on the collection map presented, could be charged an AIC fee if found necessary by the City Engineer.

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

Councilmember Fulton moved to adopt Resolution 2020-27 to establish an Aid-in-Construction Fee for the Route 30 SE Regional Pump Station, per the executed Public Works Agreement, seconded by Councilmember Boyle:

CITY OF MILFORD  
RESOLUTION 2020-27  
SEWER FEE SCHEDULE

Now, Therefore, be it Resolved by the City of Milford, the following fees are authorized:

<b>BILLING FEES</b>							
<i>Description</i>		<i>Fee Per Month</i>	<i>Fee Per Month effective 07/01/2020</i>	<i>Fee Per Month effective 07/01/2021</i>	<i>Fee Per Month effective 07/01/2022</i>	<i>Fee Per Month effective 07/01/2023</i>	<i>Fee Per Month effective 07/01/2024</i>
Usage Fee; In-City Users	0-1,000 gallons of metered water consumption	\$10.00	\$10.49	\$11.00	\$11.54	\$12.11	\$12.70
	Over 1,000 gallons of metered water consumption, per 1,000 gallons	\$2.78	\$2.92	\$3.06	\$3.21	\$3.37	\$3.53
	Kent County Sewer Treatment	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County
Usage Fee; Out-of-City Users	0-1,000 gallons of metered water consumption	\$15.00	\$15.74	\$16.51	\$17.31	\$18.16	\$19.05
	Over 1,000 gallons of metered water consumption, per 1,000 gallons	\$4.17	\$4.37	\$4.59	\$4.81	\$5.05	\$5.30
	Kent County Sewer Treatment	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County	As determined by Kent County
Late Utility Payment		1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
<b>PERMITTING FEES</b>							
<i>Description</i>		<i>Fee</i>					
Sewer Utility Permit		\$10.00					
Sewer Tap/Connection		Actual City cost					
Sewer Inspection		\$35 per inspection					
Sewer Re-inspection		\$50.00 per inspection					
Impact Fee, Kent County		As determined by Kent County, per EDU					
Impact Fee, City		\$1,561 per EDU	Effective July 1, 2019				
		\$1,623 per EDU	Effective July 1, 2020				
		\$1,688 per EDU	Effective July 1, 2021				
		\$1,756 per EDU	Effective July 1, 2022				
		\$1,826 per EDU	Effective July 1, 2023				
		\$1,899 per EDU	Effective July 1, 2024				
		\$1,975 per EDU	Effective July 1, 2025				
		\$2,054 per EDU	Effective July 1, 2026				
		\$2,136 per EDU	Effective July 1, 2027				
Aid-in-Construction Fee Route 30 Pump Station		N/A	N/A				
		\$1,598 per EDU	Effective July 1, 2020				
		\$1,662 per EDU	Effective July 1, 2021				
		\$1,729 per EDU	Effective July 1, 2022				
		\$1,798 per EDU	Effective July 1, 2023				
		\$1,870 per EDU	Effective July 1, 2024				
		\$1,944 per EDU	Effective July 1, 2025				
	\$2,022 per EDU	Effective July 1, 2026					

	<b>\$2,103 per EDU</b>	<b>Effective July 1, 2027</b>
<b>MISC FEES</b>		
<i>Description</i>	<i>Fee</i>	
Penalties & Fines	Not less than \$100 nor more than \$1,000 plus cost of prosecution	

Resolution 2020-27 replaces Resolution 2020-05 in its entirety.

Motion carried with no one opposed.

*Authorization & Funding/City Facilities/City Hall Basement Fit-Out Phase II Project*

Public Works Director Svaby reported the City Hall waterproofing project in the basement was completed nearly a year ago. At the August 10 Council meeting, \$6,500 was approved for EDiS to provide pre-construction services for the basement area. The plan includes a new training room, kitchenette, three new offices and the reception area as part of the renovation.

The Public Works Director shared the proposed cost of \$230,690. The construction project will be built in accordance with city purchasing requirements and at this time, approval of this funding is recommended.

Councilmember Culotta asked what will be used as office space moving forward. Director Svaby explained that part of the area is three new offices and believes they will be used by administrative personnel and IT professionals. There is also a kitchenette /break room and a training room that will be used universally across city government.

Councilmember Culotta pointed out this is the second time the city has spent a lot of money in the basement and he hopes it never floods again. He agrees this needs to be done, but if there is a future water problem, there is a need to reconsider the purpose of that downstairs. Director Svaby agreed and pointed out that it has stood now for a year, with some substantial rainfalls over the course of that year, and the solution implemented by EDiS has withstood the flooding. It is hoped their design and solution for has been sustained and the reason for the recommendation to move forward so that in consideration of the funding, it can be used again for city purposes.

Councilmember Boyle asked if it is possible to get insurance flood insurance for this building and if it would be worth it. City Manager Whitfield believes that has been considered in the past, though we can certainly look into it with our insurance carrier. He pointed out this will bring the costs to more than half a million dollars spent on that basement over time.

Councilmember Marabello said he believes the original cost to refit the building was \$1.8 million. With all the improvements and corrections, he believes we are probably up to \$2.5 million total.

City Manager Whitfield said he is aware of the costs to waterproof though was not privy to any renovations or repairs prior to 2016. As the Public Works Director pointed out, we had some horrendous downpours this past summer, and everything has worked exactly the way it was designed and there was no ponding anywhere.

The City Manager added that he believes Council has always wanted to move forward with the fit out of the basement, but wanted some reassurance that the problem has been fixed. He feels confident the problem has been fixed at this stage.

It was confirmed there are people working in the unfinished basement. Councilmember Fulton noted that there are a lot of exposed concrete walls and people are still working there. As long as the construction won't affect the sealant that was used or the waterproofing that was done, he has no problem with it.

Councilmember Wilson recalled that the residents have always wanted everything possible to preserve this building. There have been many attempts over the year. She believes at least a million dollars, and recalls several hundreds of thousands of dollars one those times. She hopes this company has been successful and there will be no future flooding, while Council stays true its promise to keep this building functioning as best as possible.

Councilmember Marabello questioned the breakroom, and City Manager Whitfield explained that one of issues is having a breakroom/meeting room on the first floor prevents staff from its use anytime there is a meeting. This will move that to a more public location that will not be disruptive.

Councilmember Boyle moved to authorize proceeding with the City Hall Basement Fit-Out Phase II Project with funding not to exceed \$230,690, with funds being paid from General Fund Reserves, seconded by Councilmember Wilson. Motion carried with no one opposed.

*Additional Funding/City Facilities/Public Works HVAC Project*

Public Works Director Svaby recalled that in the 2019 Capital Budget, Council approved the total of \$450,000 to fund improvements for Public Works facilities, including HVAC replacement and renovations of the break room and locker room. These projects have been completed.

However, there were some additional design needs of adding and including the elimination of doorways here in the public works building necessary for offices to not exposure to hallways. Though preceding his hiring, there was some additional consultant work needed how to reorganize staff that were affected by the flooding at City Hall and moved to Public Works.

*Project Component Expenditures*

*HVAC \$ 319,525.83*

*Breakroom \$ 126,616.01*

*Expenditures to Date \$ 446,141.84*

*Retainage Payable \$ 15,450.00*

*Total Project Costs \$ 461,591.84*

*Funding Authorization \$ 450,000.00*

*Additional Funding Requirement \$ 11,591.84*

To complete this project, an additional funding of \$11,591.84 is required.

Councilmember Marabello moved to authorize the approve the additional funding requirement of \$11,591.84 to satisfy the open HVAC retainage invoice and close out the project, said total to be funded by 50% electric reserves, 25% from water reserves and 25% sewer reserves. Councilman Culotta seconded motion. Motion carried with no one opposed.

*MPD Special Borrowing Referendum Update & Recommendation/Chief Brown*

Mayor Campbell shared that a Police Committee meeting was held earlier and asked Chief Brown to update Council.

Chief Brown deferred to Brenden D. Frederick, AIA, LEED AP of Becker Morgan Group.

Mr. Frederick referred to the earlier discussion and recalled that that around this time last year, they were finalizing the concept design with the budget associated with the new facility for the Milford Police Department. At that time, the number needed to capture the value of that work was \$18.4 million.

He said by looking at how this project has progressed and anticipating construction start date of about twelve months later than the original plan, with the help of Richard Y Johnson Contractors, reevaluated the cost metrics that effectively becomes a 3% increase over the budget previously submitted or \$18.9 million.

Mr. Frederick explained this is typical in the construction industry and what is called on an annual basis as the cost of materials and labor go up due to a variety of factors that can range from 2% to 10%, depending on the year in the market.

He reiterated that by working with Richard Johnson, who is very entrenched in this local market, felt comfortable with the 3% increases, which is being presented today, along with the findings from the Police Committee.

City Manager Whitfield said the intent of the agenda item tonight, is to move forward with the tentative schedule with a referendum date the end of January. The Police Committee reviewed the schedule and gave their approval earlier tonight. A motion to move forward is needed to start the process for the referendum.

Councilmember Culotta pointed out that if the decision is made tonight, and moving forward, the construction completion date will be March 2023. This will go in front of the public, to decide whether to support it or not, and he recommends we get the ball rolling.

Councilmember James said he has discussed this with the City Manager and they will be definitely be vetting all the numbers as well as the contractor contingencies in a Finance Committee meeting. Then Council will have an opportunity to discuss it. To the City Manager's point, there is a need to approve the schedule.

Councilmember Fulton moved to approve the timeline as presented by Chief Brown, seconded by Councilmember Morrow. Motion carried by the following 8-0 roll call vote:

Marabello: Yes-I'll approve the timeline, subject to further discussions with the Finance Committee because he has some concerns about the amount of the respective bonds, but approves the timeline.

Boyle: Yes to approve the proposed schedule.

Fulton: Yes to approve the schedule.

Culotta: Yes to approve the schedule. It is unfortunate this was delayed by the pandemic though it is important to the city and votes yes.

Baer: Yes to approve the schedule.

Morrow: Yes to the borrowing referendum updated schedule's recommendation by Chief Brown.

James: Yes to approve the schedule as presented.

Wilson: Yes, to approve this schedule.

#### *MPD Behavioral Health Unit*

Councilmember James detailed the request for a feasibility study for a behavior health unit (BHU). The Police Committee, along with Chief Brown, want to determine if a BHU, which consists of mental health and substance abuse addiction, would be beneficial to the citizens of Milford Police Department.

Councilmember James added this could impact and improve our fiscal conditions by allowing everyone to work more efficiently, including the police department, and the social offering to our citizens.

The request is to support establishment of a BHU that would be within the police department overseen by the Chief of Police. The unit would be responsible for handling those emergency calls when the primary reason is mental health or substance abuse. The BHU would be the first responder alone with a police officer as needed. The idea is to provide the correct response to our citizens, which can make our police department more efficient and effective in their responses to actual crimes being committed and allow the BHU to address non-criminal type activities.

Councilmember James reported that in conversations with people like Captain John Treadwell, who's responsible for the BHU in New Castle County, this has worked there. There are many other municipalities adopting these types of partnerships between the police department and behavior health specialists like Christiana Care Connections, and not an after-the-fact call response, but the initial interaction with the person making the call for help. Captain Treadwell, other behavior specialists and other politicians who have been involved with funding, would be willing to come down and speak with Council on how it works, the benefits and what the hurdles were. According to the people he has contacted, there could be state and federal funding available for this type of initiative.

At this point, the request is for a feasibility study to see if this would be beneficial in that feasibility study to be framed by the police committee, along with oversight and guidance from Chief Brown.

When asked if a vote is needed, Solicitor Rutt said it seems more informational though he recommends hearing from Chief Brown.

Chief Brown said he is in full support of doing a feasibility study to try to analyze how his department could benefit from this type of service and he believes it would. It is only a matter of working out all the details. He has been monitoring some of the departments across the nation that have been doing this for a short period of time. He does not know if there is enough data yet to for at least for someone in my position to get enough experience to determine if it is something worthwhile to do or not, and is why a feasibility study is needed. However, he is all for it.

When asked about the cost, Councilmember James said that would be flushed out during the feasibility study. This is really just an introduction of the request and if we want to go down this road.

The Councilman referenced the memo (see packet) that states this will not, in any way, detract from the current budget for the current operations or impede the building of the new police station.

Solicitor Rutt said that confirms that no vote is needed.

#### ADJOURNMENT

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

The Council Meeting adjourned at 9:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 12, 2020

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, October 12, 2020 at 6:36 p.m.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch.

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See October 12, 2020 Council Meeting agenda for additional information.

*Proposed Riverwalk Development/Washington Street Property*

Mayor Campbell deferred to Planning Director Rob Pierce.

Mr. Pierce provided background which led up to the potential development. He recalled that in 2015, with the assistance of Arnett Muldrow & Associates, the City prepared the Rivertown Rebirth 2025 Master Plan which was the centerpiece to the City's Downtown Development District (DDD) application. The master plan proposed several large-scale mixed-use projects on various properties in the downtown area. These projects were to be focal points of the City's DDD application to the State of Delaware in 2016. One was associated with the Washington Street property, on the southern banks of the river, east of Washington Street and west of the bridge in Bicentennial and Memorial Parks. The project known as RiverPlace was identified as a key priority mixed-use project. Also noted is the areas currently protected by land.

Around the same time the DDD application was submitted, he was introduced to David Perlmutter by Senator Carper regarding his development on the river in Seaford. He then put out a request for proposals (RFP) in 2017 to engage interested developers on this city own land. Around the same time as the RFP was put out, the Planning Commission and City Council worked on some zoning code amendments to promote the mixed-use redevelopment along the properties along the river, many of which were noted in the river town rebirth master plan for these mixed-use developments.

Director Pierce then referred to various visuals, that showed River Place, a large four-story structure including outdoor seating and commercial on the first floor that encroached into the protected lands.

As a result of the RFP, only one submission from Milford Development Associates who was represented by David Perlmutter for a five-story mixed use structure with 40 apartments and a couple retail outbuildings. However, it did not meet the guidelines of the C-2A Category due to some height concerns. The submission also lacked some more detailed work. Many of which weren't provided by the developer, because there were too many unknowns at the time, mainly the impacts of the floodplain, a wellhead protection area and conservation easements. They then tried to navigate and figure out what footprint can actually be developed.

The developer then made a similar presentation being made tonight, to the Economic Development Committee in April 2017 and the committee was amenable with moving forward. The project eventually stalled due to some on anticipated costs associated with some of these obstacles and the developer also had other projects so this was not a priority at the time.

Because of the postponements, the progress with the river town rebirth master plan was reviewed. One of the updates in 2018 showed a possible recreational development redevelopment of this site, to provide more options of using the under-utilized space.

Director Pierce then referred to the new recommendations prepared by Arnette Mulder and Associates as well. The new recommendations included a playground, splash pad, public restrooms, a pavilion and other open space that could be used for the farmers market.

Going back to this past spring, Mr. Perlmutter reached out to the city and wanted to begin discussions again about the potential development of the property along the Washington Street waterfront. It was recommended bringing Mr. Perlmutter before Council to gain a consensus before moving forward with additional city resources.

He then asked Keith Fisher and Dave Perlmutter to present their plans and get feedback from Council.

Councilman Fulton recalled this being discussed by the Planning Commission and was looked at very favorably when it had the retail component. Director Pierce agreed, sharing that the zoning category prepared, C-2A, was really geared toward the mixed-use development. There are some caveats he will discuss at the end of the discussions tonight, in addition to height limitations as well, both by the Planning Commission and Council for the new category.

Councilman Fulton wanted to clarify that one of the things that really excited the Planning Commission was the mixed use/commercial capability.

Councilmember Boyle said he has some concerns, not about this whole concept being discussed. He thinks that first, it is necessary to disassociate this project from the discussion and re-examine the overall goal of the river town rebirth plan and either affirm it or decide we want to go in a different direction. He is afraid that by discussing this plan in detail, then it would carry almost an imprimatur with it and the developer would go to the Planning Commission and the Board of Adjustment and state that Council went along with it.

He does not think we are there yet and thinks, Council has to decide whether to follow the plan that was developed or deviate from it. He agrees with Councilmember Fulton and remembers the reviews as well, and there initially a lot of buzz about the retail and the plan was significantly more appealing that what is being presented tonight.

Councilmember Boyle said if this is a mixed-use plan for the area which is prime real estate. Now Council is being asked to throw it out the window and never be able to achieve the goals that we set forth in the plan and that is a concern. He does not sense a degree of urgency in it, but does believe there is a need to discuss it in greater detail.

Director Pierce explained that tonight, the thought tonight was just to hear the developer's interest. If Council prefers the original submission and are not opposed to sponsoring land conversion for some of the park land that is tied up and the reason why they scaled back the footprint and were forced to make changes.

Director Pierce prefers for Mr. Fisher and Mr. Perlmutter to provide their plans before any further discussion occurs on their proposal.

Keith Fisher explained that what Mr. Pierce explained is exactly what the intent was a few years back. This developer loves to do a mixed use. That is in their wheelhouse and continually tries to find opportunities to do that. This time around, they were faced with is a significant reduction in what is available in real estate. The easy part was to take a piece of property (referring to visual) and see what can be done with it.

To look at the second part as a potential phase to get back into the direction of the better plan that does includes the mixed use if they can get there.

Mr. Fisher said they have worked in other jurisdictions that have a lot of the same issues with state-funded programs/open-space parts to Marina project they are doing. They were able to work with state and local officials to help get to a point where that product hit all the goals. The idea here is to take advantage of the valuable real estate., that is prime real

estate and an incredible piece of property. The developer wants to do a high-end development, gated community, luxury amenities, etc. He believes it would fit into the fabric and would bring an incredible amount of support for the retail and the businesses that already exist downtown that that needs as much help they can get given the inherent times.

He commented this in a nutshell the overriding part of the plan. And they are here to garner feedback, understand concerns and help take this plan, so the next time they come through, to find a way that it hits those markers and it becomes something everyone can be proud of.

Dave Perlmutter then stated that when he came back in the spring to meet with Planning to discuss this project further, they realized they were dealt a smaller piece of real estate basically to work with. In looking at it and seeing what they wanted to achieve, this schematic plan was created for a luxury gated community. Something very similar was done in Seaford and have brought a drone flyover that will be added to the later presentation.

He thinks this will work perfectly, in his opinion, by calling it Phase One and is what they would like to propose. It will start here with the real estate. It will be easy to get through and not have to deal with the parks. While working that out, they could come through with Phase Two that would include the retail the city wants. and we could you know

Mr. Perlmutter emphasized this will be a gated, private community that would enable people to live downtown to walk to the retail, restaurants and enjoy the downtown area. And this would basically be the and we think this would be the start of the transformation along the riverfront. Their plan, like was done in Seaford and Salisbury, is acquire additional property.

He emphasized they are not here for this little piece of land and instead to do something similar to what has been done in Seaford where over \$15 million was invested along the waterfront. They are preparing to start Phase Three there and have assembled a lot more real estate that has basically transformed their downtown and believe that can be done in Milford as well.

Councilmember Boyle asked what are phases two and three in Seaford; Mr. Perlmutter responded that phases one and two have been completed in Seaford, that include 72 apartments along the riverfront. Another 36 units are being started and after that occurs, they have acquired the former city power plant from the City of Seaford and intend to redevelop that with a restaurant and more apartments along that portion of the riverfront. They have phases five through ten that include additional properties that head up to High Street.

He said a lot of the buildings that are no longer being used have been acquired with the intent to redevelop a four-block area in downtown Seaford from the riverfront up to High Street.

Councilmember Culotta asked if this was scaled back because of the current times due to the pandemic; to the point the other Council members made that it is very attractive as a mixed-use plan versus standalone apartments. Even though it will be at the high end, the intent is to have valuable real estate that is right in the center of downtown. Park Place Restaurant is within walking distance, as well as the amphitheater next to the library.

He would prefer what was part of the Redevelopment plan. He is talking the first level and if it needs to go higher, that is something that can be discussed with public input. But the mixed use to me is what he wants to see there and what was planned.

Mr. Fisher said that it is certainly easier to do a retail development, if you know there is people there that will come and support the retail. He feels the logical transformation for any developer is where are the people going to come from to eat the food, to buy the art and do those things. So, this being phase one would be a perfect opportunity to start, and get the people and have those retailers more comfortable with leasing and renting and going that route.

In addition, Mr. Fisher said it is also difficult for the current retailers that already exist in the downtown. That is a consideration about not wanting to jump in and make the bright new shiny thing the competition to those businesses and instead, bring the residents that can walk to and show.

Mr. Fisher said the second point, is they would love to build a ten-foot taller building and take this ground level and put retail in. That might be the simplest solution from their perspective. He also knows there is some connotations that people look at when they look at a five-story building. Given the land, that typography and the architecture, they believe there may be ways to make that work.

He said there are no question that walk out apartments at grade pose some issues from a security and privacy perspective. Putting retail on the ground level will separate that and create that vertical buffer. However, they did not want to come in here with a skyscraper, if you will, and be presumptive about that. They are not averse to either of those options.

Councilmember Fulton pointed out that without the multi-use attached to this, a lot will be lost from the Riverwalk. In his opinion, it would almost be a dead zone during most of the festivities by having a larger apartment complex there without the amenities for people to go to. Every festival encompasses the whole area.

The Councilmember then reviewed the various activities that occur during these celebrations from Park Avenue to the library to either end of both parks. Although he likes the idea the complex will be high end, he would not want lose all its retail value by becoming purely residential in that area.

Councilmember James concurs with Councilman Fulton. He said without it being mixed use, it does take away some retail. He is also concerned where the basketball court will be moved because a lot of people use it. This is an area that is used by all citizens of Milford, and by putting this there without any other retail opportunities, is only relevant to those that live in the apartments. The other uses will be taken away from all other residents and visitors.

He added that the basketball court is used regularly by multicultural, multi-ethnic groups of people and is actually a gathering place and coming together of the city. In addition, all the other festivals that occur in this area, including Police Night Out, will need to be available in some form or fashion.

Councilmember Fulton said that if the basketball court has to be moved, it needs to be relocated to a spot that's not going to flood will be destroyed every couple years. Councilman James agrees adding that it also must be moved where it will be available in walking distance to all those that use it.

Director Pierce added that when it was looked at in 2017 and started the process of trying to free up some of those lands, they considered moving the basketball courts to the Franklin Street property where Parks and Recreation is, or basically a block and a half south of its current location which would still serve the general area. But based on the compacted footprint, the basketball court could technically remain in place. The footprint they went with this particular proposal includes the unprotected lands that were part of the Washington Street water plant and not part of the recreational amenities that exist today. many of these that exists today. Instead it would impact the parking lot in the grassy space to the rear, up towards the Salvation Army.

The Planning Director pointed out that if Council wants to give some direction on whether they like the grander scheme of the mixed-use concept and would like to have the city to convert some park space for private development, were some of the things taken into consideration while preparing a Federal and State conversion request for the park area thus keeping that amenity in the neighborhood. The developer was also on board with contributing towards that and acknowledged that.

When asked about the original design and the brick facade were just conceptual, Mr. Pierce explained the drawings that were prepared as part of the river town rebirth are all conceptual.

Councilmember Marabello noted that it was very attractive, adding that this property would be directly across from the Milford Public Library and asked if it would be in harmony with the design and façade of the library.

Director Pierce stressed tonight is not an approval of the project, and only a discussion about whether to proceed with further discussions. Council can have more input later if they agree to go down that path. Anything that is seen tonight can be tailored. More details would be brought to Council with what is involved with any land transfer contracts.

Councilmember Culotta appreciates Mr. Fisher and Mr. Perlmutter and believes these are the type of investors Milford needs to attract. He thinks we can work with them though he is hearing that everyone wants to see some type of mixed use as the primary driver and the city should be flexible on what is needed to allow that to occur.

After confirming this is in the DDD, Director Pierce explained it was originally listed out as a key priority project in the city's application to the State of Delaware. They would receive priority funding from the State.

Councilmember Culotta said to that point, he recommends we be flexible and help out with the costs associated with soil samples and things like that. A lot of things you run into when you're developing close to the water the city could consider this being a true public private partnership. Mixed uses would allow that to really come together.

Mayor Campbell recalled the initial plan called for three to four story max and the key factor was the retail stores on the bottom level. Though it does not have to be a restaurant, it could be a small company of some sort. He then read an email he received from the Mayor of Seaford:

Hey Archie. I believe Davie Perlmutter is before you tonight. I'm letting you know how pleased we have been with his work in Seaford and the positive impact he has made in our downtown. Because of his investment, we have seen more business and the people love living at the residents. Mulford would benefit from the work they do. My two cents, Dave.

He recalled passing the complex adding they are very impressive and appealing, though Milford probably cannot go any higher than four stories, while the pictures presented are five stories.

Councilmember Culotta said that is the point he was making, and something that should be considered. However, that is something that can be later discussed that Council consider changing the code to allow for it if that is what is needed to make this project financially feasible.

Councilmember Boyle noted that as he stated in the beginning, we don't need to go down that track and need to reaffirm or dismiss the C-2A zoning. This is going that way and now are implying we will change things.

He disagrees and does not feel we can just throw the plans away because somebody comes in with something different. The zone was developed with a lot of forethought, a lot of research and it took a long time to put it together. Dismissing the C-2A for this area, is hampering our long-term ability to develop a vibrant and attractive riverwalk. And once it is gone, it is gone.

Councilman Boyle reiterated an apartment building is not going to enhance the intent of that riverwalk to bring people into town. A good vibrant downtown development district cannot be developed if we are going to turn this into a residential zone with no other amenities. In addition, there will be other problems that can be discussed later.

Councilmember Fulton added that just down the right from this area is the shipyard area. He believes the riverwalk was never attached to that property. Director Pierce confirmed the riverwalk extends to the edge of the shipyard, stops and starts again on Columbia. There is a need to go out on SE Front Street to pickup it up.

Councilmember Fulton agreed that a multi use added to an area with the riverwalk extending through that area would be a tremendous area. Then we still have large green park area.

Mr. Pierce confirmed there is another unrelated apartment site plan on Mispillion Street that was approved by the Planning Commission.

Councilmember Marabello recalled that several units were actually sold, and in 2008, everything stopped and that plan went away.

Councilmember James agrees with Councilmember Boyle there is a strong need to discuss the vision for the green space and what we want our parks to look like, etc. And what we want the downtown to be encompassed with. This is definitely one of those things that should be discussed at the retreat.

He feels this is not all a bad concept and believes it has some barriers that are going to be hard to reconcile in his mind and how much should be residential versus commercial uses and are we real hard and fast on it being mixed use. When thinking about the skyline, it is important to decide if three, four or five stories should be permitted and not tonight.

Planning Director also noted this is on the regular agenda for Council to give direction to city staff and asked if there are any additional comments from Mr. Fisher or Mr. Perlmutter/

Councilmember Boyle suggests moving this to a different time after the retreat. He does not want to rehash this entire conversation again and still not reach a consensus. He thinks more thought is needed to the planning of that area and the proposal presented is going to require many exceptions in order to be approved.

Solicitor Rutt informed Council that when Council get to that item on the agenda, if that is the feeling, he suggests a motion be made to postpone any further discussion until a future date.

There being no further business, the Workshop Session of Council concluded at 7:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 12, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, August 10, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See October 12, 2020 Council Meeting Agenda for additional information.

#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:05 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the August 24, 2020 Council Meeting, September 14, 2020 Committee Meeting and Council Meeting and September 28, 2020 Committee Meeting and Workshop Session. Motion to approve made by Councilmember Marabello, seconded by Councilmember Fulton. Motion carried.

#### RECOGNITION

Proclamation 2020-19/Breast Cancer Awareness Month

Mayor Campbell presented the following proclamation, declaring the month of October as Breast Cancer Awareness Month:

Proclamation 2020-19  
Breast Cancer Awareness Month

WHEREAS, Breast Cancer Awareness month is a worldwide annual campaign in October, involving thousands of organizations, to highlight the importance of breast cancer awareness, education, and research; and

WHEREAS, according to the Centers for Disease and Prevention (CDC), breast cancer is the second most common cancer among women; and

WHEREAS, one in eight women in the United States will be diagnosed with breast cancer in her lifetime and it is estimated that in 2020, approximately 30% of all new women cancer diagnoses will be breast cancer; and

WHEREAS, on average, every two minutes a woman is diagnosed with breast cancer in the United States; and

WHEREAS, increasing the public's knowledge about the importance of early detection of breast cancer diagnosis and treatment can save lives; and

WHEREAS, as we display pink ribbons and wear pink clothing to raise awareness, we also support those courageously fighting breast cancer and honor the lives lost to the disease; and

WHEREAS, this October, we recognize breast cancer survivors, those currently battling the disease, friends and families of a diagnosed patient, and applaud the efforts of our medical professionals and researchers working to find a cure.

THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 2020 to be Breast Cancer Awareness Month in the City of Milford and urge all our citizens and employees to be tested.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 12<sup>th</sup> day of October 2020.

### STAFF REPORTS

#### MONTHLY POLICE REPORT

Police Chair Boyle presented the September 2020 statics and related matters, including in their submitted report as follows:

##### Monthly Stats:

A total of 652 arrests were made by the Milford Police Department during September 2020. Of these arrests, 157 were for criminal offenses and 495 for traffic violations. Criminal offenses consisted of 21 felonies and 136 misdemeanors. Traffic violations consisted of 87 Special Duty Radar, 6 Drunk-Driving charges, 399 other.

Police officers investigated 43 accidents during the month and issued 175 written reprimands. In addition, they responded to 1392 various complaints including city requests and other agency assistance.

##### Monthly Activities:

Throughout the month of August, participated in numerous conference calls and virtual meetings in reference the COVID-19 and the Governor's Emergency Order for the State of Delaware. This includes weekly Fire and Police conference calls, calls with the Governor, monthly State and Sussex Chiefs meeting, and Municipalities of Sussex Co. conference call and numerous call with City Government Officials, the City Manager and the public.

On Vacation out of state from September 8, 2020 – September 13, 2020.

Attended the Delaware Police Accreditation Board Meeting held via Zoom on September 15, 2020.

Attended Brandywine Counseling Board Meeting held via Zoom on September 15, 2020.

Attended Milford Senior Center Board Meeting held via Zoom on September 17, 2020.

Met with Downtown Milford Incorporated (DMI) on Main Street on September 17, 2020, in reference to the Santa House.

Met with the Director of the Delaware Police Accreditation on September 22, 2020 to discuss the beginning stages of the accreditation process for the Milford Police Department.

Meeting with Councilman Boyle on September 25, 2020.

Meeting with Lt. Huey, Admin. Asst. Sessoms and PowerDMS on September 30, 2020, to discuss the Public Facing Documents module in PowerDMS.

Training –

Training outside the department was cancelled for the Month of September 2020 due to the COVID-19 Pandemic. Officers and civilians have been assigned required training via webinars throughout the month.

SRO –

Sgt. Masten assisted the Milford School District by completing the DEMA School Safety Assessments as required by the Delaware Comprehensive School Safety Plan for Milford Senior High School, Milford Central Academy, Benjamin Banneker Elementary, Mispillion Elementary, and Lulu Ross Elementary. These are annual assessments that are required to be done and submitted through the Safe Plans program Delaware schools utilize.

Sgt. Masten reached out to Rony Baltazar-Lopez of the Delaware Department of Justice about obtaining more information about their public information efforts in Spanish. The hope is to receive translated materials in Spanish from the DOJ about a wide variety of safety related topics (scams and frauds in particular) to improve our outreach on our social media platforms to our Spanish speaking community. The National Weather Service provides material in Spanish that we have begun to utilize during our sharing of hurricane/coastal storm alerts.

Sgt. Masten and S/Cpl. Bloodsworth attended the September Business Mixer for the Chamber of Commerce of Greater Milford hosted by the City of Milford.

K9 Unit –

For the month of September 2020 the Milford Police Department K9 unit had the following stats:

K9-1 (Mason)

- Building Search 2
- Area Search 1
- Drug Sniff 5
- No Bite Apprehension 1

K9-2 (Audie) - Attended 3 day NPCA Dog Certification course.

- Building Search 5
- Disorderly Group 1
- Drug Sniff 2

<u>Seized Items</u>	<u>Amount</u>	<u>Value</u>
• Other	Drug Paraphernalia	
• Marijuana	28.75 grams	
• Cocaine	.41 grams	

Due to the COVID-19 Pandemic stats for the K9 Unit are lower than usual for the Month of September 2020.

Chief Brown added that for the past four years, he has chosen to recognize the Breast Cancer Awareness campaign and in addition to having the officers switch to a pink patch every year, they are now selling pink patches, hats, shirts and stuffed dogs.

PowerDMS is the software used for policies and he just purchased the module that will allow certain policies be available to the public. His intent is to make a lot of policies available to the public and only withholding ones that would display some tactical positions and procedure that should not be made public.

Other than that, his intent is make all other policies on the website.

Councilmember Morrow moved to accept the Monthly Police Report, seconded by Councilmember Marabello. Motion carried.

#### CITY MANAGER REPORT

City Manager Whitfield explained that beginning tonight, the documents contains reports from each of the department heads, who will be providing a brief overview of their report. Any specific can then be asked.

Mr. Whitfield did report we are continuing with the IT Director selection. Staff met with the second candidate today and a lot of September was spent interviewing candidates.

The other item staff continues to work on is the ERP process with Plante Moran and gathering the specifications to go out to bid probably in December/January timeframe to get an idea of what a new system will cost.

It has been determined that Central Square is not in the best of financial shape right now. Because of that, our timing is good in terms of looking for a new ERP system.

#### Finance Director Lou Vitola

The August 2020 Fiscal Year-to-Date (FY21) Financial Report was distributed to Council.

While cash and investment balances remain strong, reserve requirements and funding commitments encumber a significant portion of the balance in each fund, most notably the General Fund, Sewer Fund and the Municipal Street Aid (MSA) Fund.

The annual property tax billing totaled \$4,220,414, of which nearly \$4 million has been collected through the date of this memo.

General Fund revenues are strong through the first two months of the fiscal year. YTD revenue as a function of the annual budgeted revenue is nearly 50%, but the figure is skewed by the annual property tax billing and the controlled recognition of transfers in and reserve-funded projects, which occur on a monthly basis and match budget expectations accordingly. Adjusted for property tax billing, incoming transfers and reserve-funded initiatives, YTD General Fund revenue is still a healthy 21.6% of the annual budget, while expenditures are being monitored closely, measuring well under two months of levelized budgeted expenditures.

Enterprise Fund revenues are likewise strong through the first two months of the year, measuring nearly 20% of annual budgeted revenue. However, July and August are peak electric usage periods measured against a levelized revenue budget. The same can be said for Water and Sewer revenues this time of year, depending on temperature and precipitation. Strong Electric and Sewer revenues are offset by purchased power and Kent Co sewer fees, respectively, that exceed their respective levelized expense budgets. Nevertheless, total expenses have been controlled well, such that July and August can still be characterized as strong for the enterprise funds in total, as revenues exceeded the levelized budget by 17.5% while total expenditures exceeded the budget by only 1.6%.

The FY20 Financial Statement Preparation and Audit process began in July and continued through September. We are currently in the testing phase after delivering the final FY20 trial balance to the auditors in September.

The Billing & Customer Service Department has continued its efforts to collect past due tax and utility balances.

Past due utility accounts are being monitored through the spectrum of the Modifications to the Governor's Declaration of a State of Emergency. Extended payment plans, COVID-19 relief funds, and referrals to charitable resources are being offered to customers experiencing COVID-19 hardships, while the disconnection process has been resumed for accounts showing sustained periods with no payments or attempts to establish payment plans. Past due accounts have improved to less than 800 and less than \$225,000, down from 1,286 and over \$540,000 on August 31, 2020.

Delinquent tax accounts are being reviewed to determine the best course of action for notification and collections. Several staff recently attended complimentary bankruptcy & collections training, which will assist us as we form a plan for escalated collection efforts, including the monitions process.

The annual Workers' Compensation Insurance audit is underway by our insurer, the DeLea Founders Insurance Trust (DFIT).

A Finance & Public Works Committee meeting will be scheduled in November per the direction at the September 14, 2020 meeting to hold standing meetings every other month.

### Public Works Director Mike Svaby

- We are investigating how to more comprehensively handle vegetation and tree growth along power alignments and other infrastructure in the ROW.
- The Streets and Utilities Division is developing a schedule to be set in conjunction with the budget cycle to ensure resources are made available to fully meet activities.
- Staff is working in conjunction with the Planning Department to build a development coordination model which will be vetted and ultimately
- Operations and Fleet Staff are reviewing a proposal to install a bulk dispensing system for Diesel Exhaust Fluid (DEF).
- We were informed by the City's waste integrator, Republic, that DSWA has had critical increases in recycling contamination at the Milford transfer station. Public Works is building an information campaign to combat recycled waste contamination that is comprised of Public Service Announcements by internet, reverse 911 calls, television, radio, and public written posting locations.
- Public Works Director met with a student and Counselor at Milford HS regarding a student internship program. Following a brief orientation, the student will be given an assignment of mutual benefit in either Engineering and/or Technical Services Divisions of the Department.
- Contractor has completed the IT room at City Hall basement and began work on the restrooms.
- We had an evaluation done by EDiS on the DMI building. We are waiting on a report.
- Lovers Lane was paved this past week.
- The next phase of sidewalk inspections has been completed. Notices will be sent in October. Additionally, sidewalk invoices for work completed this past year will be sent in November.
- Staff continues to work on the Asset Management program for water and sewer.
- We have approvals from DELDOT for the waterline installation on NE Front Street. Project will be bid in October.
- Inspection work was done at Milford Ponds, Windward on the River, Simpson's Crossing and Brookstone Trace.
- Electric did infrastructure install at Windward on the River, service installs at Milford Ponds, West Shores and Brookstone Trace.
- A severe storm took out five electric poles on Airport Road on September 3. Electric crews worked through the night to restore power.
- We received our last hook truck and the various bodies. They have been invaluable since we received them.
- Public Works crews did a lot of work on storm clean up over the month, including chipping of brush put out by citizens.
- We sent our 3rd Class lineman to Northwest Lineman College for training.
- Public Works cleaned storm drains in September.
- All streets were swept last month, including weed spraying of curb.
- We had significant issues with pumps at the new Shawnee Acre pump station, which is under warranty. The issue was the soft starts on the motors. Presently only one pump is working and we have temporary by-pass set up in case of any failure.

- We switched electric from Delivery 1 substation at the beginning of September in order for Delmarva Power to replace poles on their transmission. We put all of the City's load onto Delivery 2 while the work was performed – and we were able to test all switching devices and perform maintenance in Delivery 1 while it was all de-energized.
- We had issues with the Fork Landing pump station. The issue was rags hung up in the pumps. • Several pump stations were cleaned by CES out of Delmar as routine maintenance.
- We lost the motor on well #13. Motor to be replaced next week.
- We continue to work on the well drilling at 10th Street.

Mr. Svaby then talked about any potential impact on rates due to the critical increase in the contamination at the DSWA transfer station, the immediate consequence of that is for our recycled loads when they are delivered to the transfer station. There really is no charge for us. However, there will be a charge for loads that have greater than 10% contamination of \$75 a ton, compared to \$85 a ton to dispose of ordinary trash.

That is the reason for plans to better educate the public about how to keep recycled waste uncontaminated. One of the biggest things causing that contamination is plastic in recycle containers. Many people are unaware that recycled waste has to be free of plastic bags and that will be a big part of the education campaign using the reverse 911 calling system and flyers.

However, it will the campaign will not only be about solid waste, but will span across all four of our operating divisions here.

Councilmember Boyle recalled the recycling schedule that used to be put out twice a year and included a section that listed all recyclables that were acceptable and suggesting reinstating that.

#### Planning Director Rob Pierce

- Through the first three quarters of the 2020 calendar year, the City has issued 170 new residential construction permits and 6 new construction permits for 144 apartment units.
- The total construction investment in Milford from January through the end of September based on issued building permits was \$60,695,636.
- The City of Milford has seen 70 projects with a committed investment of over \$22.1 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.67 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$345,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission reviewed and approved the Preliminary Site Plan for the 1st State Self Storage project located along the east side of Route 113 south of the Route 14 intersection and the railroad easement.
- The Board of Adjustment reviewed and approved a variance from the wetland buffer requirement for the 1st State Self Storage project along Route 113. The Board also approved a use variance to reestablish the former Young/McPherson Funeral Home on North Street along with an exceedance in lot coverage and reduction in the front yard setback.
- Staff reviewed and provided preliminary comments to DelDOT on the SR1 Ultimate Corridor Preservation Plan. Staff recommended DelDOT present this material to both the Planning Commission and City Council to gather feedback.
- Staff met with DelDOT to review the preliminary traffic model findings associated with the Southeast Neighborhood Transportation Improvement District (TID). DelDOT will be presenting these findings to the City Council in the near future before proceeding with cost estimates and conceptual design work.
- The City held the second public workshop for the Bicycle Master Plan Update on September 12, 2020 which was well attended by members of the community. The Bicycle Advisory Committee will meet virtually on October 15, 2020 from 4-6pm to discuss the public workshop, policy recommendations, draft facility types and locations and next steps.
- Staff attended virtual site selector training and networking provided by the Delaware Prosperity Partnership.
- The 200 NW Front Street Townhouse Project is nearing completion of its units along NW Front Street between N. Church Street and West Street. The project was a recipient of a Delaware State Housing Authority Strong Neighborhood Housing Fund grant and DDD Large project reservation and aims to provide new homeownership opportunities in the downtown area.

- The Milford Movie Theater continues construction with a targeted opening date by the end of the calendar year.
- The Microtel along SR 1 and Silicato Parkway continues site work and continues vertical construction. Target opening date is the Spring of 2021.
- The NE Tenth Street Medical Office Building continues construction at the corner of NE Tenth Street and Silicato Parkway.
- The Royal Farms location on US Route 113 has been demolished and the new building and site improvements are nearing completion.
- The first phases of the Bayhealth/Nemours medical office building on the Sussex Health Campus are nearing completion and additional fit-out permits for the second and third floor are under construction.
- Windward on the River began construction on 144 of their 264 apartment units within 6 buildings on their project site off of Beaver Dam Road.
- Simpsons Crossing should begin new home construction in late October or early November.
- The City received a Utility Feasibility Study request for a new residential development on the Draper Farm on Williamsville Road for approximately 250 residential units.
- We have continued to meet with KP through the end of our term and I've had several meetings with Linda Parkowski and other members of KEP this month they were part of that site selector.
- We've had some follow up meetings to come up with some good ideas of how to sell central Delaware.

#### Parks & Recreation Director Brad Dennehy

- Park staff opened up both playgrounds in early September (Can-do playground at Tony Silicato Memorial Park and the one behind Parks and Recreation building). At both playgrounds new playground mulch was spread, new hand sanitizer stations were installed, and new signage stating the COVID-19 guidelines were erected.
- Bathroom at Tony Silicato Memorial park was opened up after being shut because of COVID-19. During the course of the regular work week the bathroom is wiped down several times a day and is also cleaned by an outside cleaning company.
- New park guideline signs were installed in Bicentennial Park on each side of the pedestrian bridge.
- Bicentennial bridge was power washed and painted.
- A volunteer day was held on Goat Island with volunteers from Anchor Church and Boy Scout Troop 116 with over 600 linear feet of donated wood chips being installed on the walking trail.
- Overgrown brush was also removed on Goat Island and trash which had washed up under the elevated section of the boardwalk.
- September was a wet month for grass cutting and parks crews continued to play catch up from a wet spring and summer.
- The Department obtained a new 72" zero turn mower which was approved as part of the capital equipment plan and was badly needed.
- The overgrown area of Riverwalk from N. Walnut Street to S.W Front Street was cleaned up. This section had become overgrown and several days' labor went into cutting back brush and trees.
- A meeting was held with the Director of the Boys and Girls club to discuss winter programming and Department of Health regulations pertaining to accessing the gymnasium for youth sports.
- An online meeting was held with members and staff of the Delaware Nature Society (DNS) regarding a memorandum of understanding for future programming between DNS and Parks and Recreation.
- Director met with a paving contractor to discuss up and coming paving contracts, including estimates for both basketball courts and the parking lot adjacent to the Parks and Rec. building.
- The next stage of the 2020 Outdoor Recreation Parks and Trails application was filed. This is the State grant program and Milford has applied for funding for improvements to be made along the Riverwalk regarding lighting and handrail upgrades.
- New concrete was installed at the dog park in preparation for the new third section. A new fence will be erected in October, thus creating a third area for "active" dogs, and allowing one section to be taken off-line for routine maintenance.
- New wood chips and mulch was installed in the park area where the farmers market is held in preparation for the regional job fair which was held September 28th.

- Youth programming returned in the form of flag football (ages 7-13) and a soccer clinic (ages U8-U12) offered over a five-week period which began late September. New coaches were hired for these sports. COVID-19 requirements have meant staff have had to navigate new protocols and procedures from registrations, waivers, hand sanitizing, cleaning of equipment, reduced numbers of participants, to enforcing the wearing of masks and social distancing.
- Construction of the bathrooms at the Park maintenance building (rear building at the old Armory continues).
- Park Superintendent began a twelve-week on-line Supervisor training program, and the Director obtained a pesticide applicator certification through the Department of Agriculture.

#### Human Resources Administrator Jamesha Eaddy

- Interviews were conducted for the position of Solid Waste Operator/Collector and the new hire's first day of employment was September 8, 2020 with the Public Works Department.
- Interviews were conducted for the position of Information Technology Director and the top three candidates are scheduled for a City onsite tour on three separate days in October.
- Onboarded new hire for the position of Police Patrolman. The new hire's first day with the Dover Police Academy is Sunday, October 4, 2020. Bilingual testing was conducted for Spanish proficiency in which the new hire qualified for the bilingual pay differential allowance.
- A pharmacist and technician from Rite-Aid came onsite to the Public Works Department and provided voluntary flu shots for City employees and their dependents covered under one of the four State of Delaware Health Insurance Plans.
- September 9, 2020 was the launch of the Delaware Municipal Supervisory Management Academy which was spearheaded by Milford in partnership with Wilmington University. In addition to participants from Milford, the program includes participants from Lewes, Kent County, Milton, Rehoboth, Newark, Newport and Seaford for a total of 25.  
Instructors: Dr. Frank Ingraham, Dr. Kathy Kennedy-Ratajack, Dr. Rob Rescigno, Jen Cohan, and John Yeomans  
8 Course Modules: Leadership, Managing Performance and Performance Appraisals, Employee Benefits and Onboarding, Strategic Planning, Managing Workflow and Budgeting, Motivating Employees and Customer Service, Quality Interviews and Candidate Selection, and Managing Conflict and Successful Supervision.
- The Reward and Recognition Committee will not plan the 2020 Holiday Party due to COVID-19 restrictions. In lieu of the holiday party, the City will provide a turkey for Thanksgiving and a ham for Christmas for City employees and applicable City boards.
- The Reward and Recognition Committee also partnered with the Greater Milford Boys & Girls Club for the Adopt-A-Family Holiday program in which City employees can volunteer to purchase an item from the family's holiday wish list. Last year, we were able to purchase all items on that particular family's holiday wish list.

Ms. Eaddy further explained that one of the needs across all the municipalities is supervisory training. Wilmington University partnered with the municipalities to provide eight course modules and instructors. It originally supposed to launch in May, but due to Covid-19, it was pushed back. The sessions are now conducted via zoom and include breakout sessions.

They hope to start the program again in January 2021 in order to get a full rotation of all the supervisors or anyone who may potentially be a supervisor in the near future.

Councilmember Boyle commended Ms. Eaddy for this initiative that will have maximum value to all the municipalities adding it is simple, but great idea.

#### MONTHLY FINANCE REPORT

Finance Chair James reported on a few highlights. The change in total enterprise reserve balances decreased by \$495,000, restricted cash is less restricted by \$792,000 which is a change in net reserve cash available positive of \$297,000. Net reserve cash available after all restrictions, as of the end of August, is approximately \$10,586,000.

There is a \$10,000 increase in the general fund revenue budget in the Planning and Zoning line item and he does not see an offset in the budget expenses. Though he is sure the Finance Director will speak to that.

Year to date general fund revenues are greater than expenses by \$3.9 million primarily due to the collection of property taxes though expenses will catch up as the year lapses. Enterprise fund reserves, total enterprise fund reserves, are greater than expenses on a year to date basis by a total of \$970,718.

Chairman James has made a request to Lou to work towards providing from the operating P&L perspective. We now have July and August behind us and we will now add the next ten months with adjustments, up or down based on how we're trending. He would like to have that as each month elapses though he understands the new Finance Director has a full plate right now and this is not something urgent but is something they will be working on.

Finance Director Vitola said he will need to follow up with Chairman James with an answer on the \$10,000 budget change in Planning and Zoning line item.

He then provided the following review:

Page one:

Tax investment activity is largely stable, especially the operating cash. Special purpose funds were consumed for their intended uses as budgeted, while water and sewer reserves were used mostly for Southeast Second Street improvements and some other reserve-funded capital as noted at the bottom of page one.

The impact the collections were strong in August, as a result of the permit activity across several different projects as previously mentioned in the Public Works report.

Page two:

Councilman James covered the reserves and the changes in the reserve balances from last month.

To be to be a little more detailed about his request for the future, the way this has historically been presented was through cash reserves. Only shown were the general fund, water funds, sewer funds and electric funds. Basically, the ending balance, as of the end of the month was reported as seem pm the page one.

Also, only all of the projects, activities and minimum cash requirements that encumber those balances are shown. Not shown are any prospect of any growth in those cash balances. It is very conservative but a finance report often is. But it is unrealistic, in the sense that there may be and could be some growth that would improve the uncommitted reserve balance.

It really first came to light when the last two boxes on the bottom right and middle were added and the municipal street aid reserves and realty transfer tax reserves.

In the case of municipal street aid, we know by the time the fiscal year starts, how much the state is going to provide in municipal street aid funding based on street mileage and the city's population. Not only is the balance shown at the end of the current month, we are also showing the receipts that fund is going to receive, then the projects that are encumbering that future balance to a more accurate picture of the uncommitted reserve balance.

That will be attempted in the general fund water, sewer and electric funds in addition to municipal street aid and real estate transfer taxes.

Other than that, not a ton of difference from the July report and the most notable differences coincide with the cash report itself and the changes in the ending balances.

Revenues across the board are strong in the first two months of the fiscal year. On page three, the general fund revenues are already 49% of the annual budget in just two months. Part of that includes the annual property tax billings as was

previously mentioned and part is driven by transfers in which we record with equal monthly entries that correspond perfectly with the levelized budget.

Enterprise funds are showing ahead of the levelized budget, but only ahead because utility revenue and electric revenue, in particular, is naturally strong in those three peak months of July and August. The key with this style of revenue and expense reporting is to measure the degree to which the actual year-to-date revenues and expenses vary from the budget. Through August, actual revenues exceed the budget revenue by a far greater degree than the extent to which the actual expenditures exceed the budget.

One critical thing about the utility operation so far in the fiscal year is that they are operating in a positive margin, even after considering the transfers to the other funds, namely the electric funds transfer to the general fund.

His only caution is that it's still early in the fiscal year and part of the expense control is related directly to the City Manager's direction to staff hold off on non-critical capital spending until a clear picture of the city's financial position emerges.

Revenues are strong and expenses have been managed very well, but there are other purchases and other expenses that are likely to show up in the back end of the fiscal year.

He will not go detail by detail through the expenditures versus the budget. The same is true for the interservice departments.

Councilmembers James and Marabello both commended Mr. Vitola for provide the comprehensive information and is very pleased with the results.

Councilmember Marabello also referenced the line item for the Ladybug Festival funding and questioned the return of the \$30,000 and the current balance. Finance Director Vitola will follow up on that matter and provide the findings to Council.

Councilmember Boyle moved to accept the City Manager's Report and the Monthly Finance Report, seconded by Councilmember James. Motion carried.

Councilmember Boyle also commended the change in the City Manager's report and the addition of having his directors present their own report and feels it is an excellent opportunity to hear from them and appreciate the opportunity for Council feedback.

#### COMMITTEE & WARD REPORTS

Councilmember Culotta said he has received several complaints about speeders on South Walnut Street and the Police Chief addressed that and he got good feedback from his residents who are very happy with the response.

Councilmember James received a call from a constituent on Northwest Front Street. He is concerned about the character of the city and wants to know that public Works solid waste can be more proactive when they observe trash in the street, like big items. When they ride by in the truck and asked that they take on the back of the truck instead of waiting for someone to complain. In other words, just address it.

In addition, there are complaints about barking dogs though he didn't want to be the one to have to call the police on another neighbor. But the police have been seen riding by and hear the loud barking or other loud noises, simply address it because neighbors are reluctant to call the police.

This constituent also asked if there is a noise ordinance that prohibits loud mufflers on motorcycles or cars and is it enforced by the police.

This person is very interested in the city and does pick up trash and contributes to the cleanliness and good of the community.

Councilman James informed him he would bring it to Council and asked that it be addressed.

Councilmember Wilson asked if the City Manager had an opportunity to contact the owners of the Food Lion Shopping Center about the condition of their parking lot and in particular, the large potholes that are creating safety concerns.

Mr. Whitfield said that Planning Director Pierce has his enforcement staff reach out to the owners of the property.

#### COMMUNICATION & CORRESPONDENCE

##### *2019-2020 Municipal Electric Utilities Renewable Portfolio Standard/DEMEC*

The City Manager shared that DEMEC is required by law to make sure that all government bodies of their member municipalities receive this report. Should anyone have questions, he will pass them on to DEMEC.

##### *SCAT Update*

SCAT Dinner is scheduled November 4<sup>th</sup> in Ocean View. Please RSVP to the Deputy City Clerk no later than October 21<sup>st</sup>.

#### UNFINISHED BUSINESS

No items.

#### NEW BUSINESS

##### *Authorization/Draft Land Disposition Contract/Washington Street Property*

Director Pierce discussed the request, that was related to the earlier workshop session involving the Rivertown Rebirth 2025 Master Plan and the reduced footprint that now contains only multi-family residential units with no associated commercial.

Councilmember Boyle stated that based on the earlier discussion, he moved to postpone any action until a later meeting and allow City Council to dedicate some future time to evaluating the C-2A zoning district and either reaffirm or make changes.

##### *Council Retreat*

Mr. Whitfield then confirmed that he is still working with the facilitators of the upcoming Council Retreat to work out details and dates. He prefers to get sessions underway with facilitators and have a follow up meeting later.

##### *Funding/City Facilities/Citywide LED Project*

Public Works Director recalled that back in December 2019, City Council approved a recommendation to upgrade the City's current lighting situation to LED technology within all city facilities, funded with a mix of three different grant/incentive-based sources (almost \$91,000) and FY20 Capital Funding (\$30,000).

During the final walk through, it was discovered they originally undercounted several areas during their assessment of our facility. As a result, the material and installation costs increased by \$32,173.23. A revised rebate application has been resubmitted to DNREC to reflect the recount and associated increase. On October 5, 2020, we received the attached

notice that reflects a new rebate increased from \$10,702 to \$29,667. All materials have been ordered and are currently stored at the Public Works Facility.

Moving forward, staff recommends the professional services of EDiS to ensure the best installation practices for this project. With the increase in costs, related to the additional materials and professional services, \$19,904.15 is needed to complete the project. Fortunately, the increase in the DNREC Grant and the Green Energy Funds are sufficient to cover the updated costs, and provides the ability to replenish the capital funding used for the project.

Councilmember Marabello moved to authorize the additional funding request of \$19,904.15 and proceed with the installation of the LED material and professional services of EDiS with funding from the Green Energy Fund, seconded by Councilmember James. Motion carried.

*Adoption/Resolution 2020-28/City Holiday 2020 Schedule Modification  
Adoption/Resolution 2020-29/City Holiday 2021 Schedule*

*City Manager Marabello then discussed the two resolutions, with regard to City holidays. Sussex County has Cancel the return day all day. That was slated for November 5<sup>th</sup>. Typically, City employees receive a half day holiday on that day.*

*What has been proposed, instead of having a half day on November 5<sup>th</sup> and December 31<sup>st</sup>, combine the two and provide a full day on December 31<sup>st</sup> and that is the proposal for the remainder of this year.*

*As was previously discussed, also proposed for 2021 is the observance of Juneteenth holiday. Because Juneteenth falls on a Saturday, staff proposes to observe the holiday on Friday, June 18.*

*Also, because Christmas falls on a Saturday in 2021, it will be observed on Monday, December 25<sup>th</sup>, since Christmas Eve is on Friday and that day is already a holiday. For New Year's Eve 2021, and New Years' Day is on Saturday, a full day holiday will be observed on Friday, December 31, 2021, in lieu of the ½ day for New Years' Eve.*

*He has talked with both unions who are in favor of the proposals.*

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

Councilmember Fulton moved to authorize the modification to the 2020 Holiday Schedule by adopting Resolution 2020-28, seconded by Councilmember Culotta:

RESOLUTION 2020-28  
MODIFICATION TO 2020 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City's rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Chapter 55 has been modified and supplemented on many occasions since its enactment, and on April 9, 2018, following a review of notable amendments, it was recommended that City Council rescind Chapter 55, in its entirety, and replace with a new Chapter 55; and

WHEREAS, Section 7.3 of Chapter 55 of the City Code, entitled Holidays, currently states 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 and that all City offices shall be closed during designated City holidays; and

WHEREAS, the even-year Return Day is a four-hour holiday for employees, though associated festivities will not be held this year due to regulations and restrictions tied to the pandemic and concern for public health; and

WHEREAS, in lieu of the four hours of holiday time identified in the 2020 Holiday Schedule on that day, it is recommended employees work their regular schedules and that Council authorize its amendment by transferring those four hours to the New Year’s Eve holiday; and

WHEREAS, previously approved as a four-hour holiday, this combination will allow employees to enjoy a full-day, or eight hours of holiday time, to spend with family and friends; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12<sup>th</sup> day of October 2020, by a favorable majority vote, authorize the following holidays, as amended, be observed from December 31, 2019 – January 1, 2021:

<i>Holiday</i>			<i>Holiday</i>	
New Year’s Eve (Four Hours)	12/31/2019		Election Day	11/03/2020
New Year Day 2020	01/01/2020		Veterans Day	11/11/2020
MLK Jr. Birthday	01/20/2020		Thanksgiving	11/26/2020
Presidents Day	02/17/2020		Day After Thanksgiving	11/27/2020
Good Friday	04/10/2020		Christmas Eve	12/24/2020
Memorial Day	05/25/2020		Christmas	12/25/2020
Independence Day	07/03/2020		New Year’s Eve	12/31/2020
Labor Day	09/07/2020		<i>New Year Day 2021</i>	<i>01/01/2021</i>

Motion

carried.

Councilmember Fulton moved to authorize the 2021 Holiday Schedule by adopting Resolution 2020-29, seconded by Councilmember James:

RESOLUTION 2020-29  
AUTHORIZATION OF 2021 HOLIDAY SCHEDULE

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees and is intended to inform employees with important information about the City’s rules, policies, practices, and procedures, as well as educate them on their own privileges and responsibilities; and

WHEREAS, Chapter 55 has been modified and supplemented on many occasions since its enactment, and on April 9, 2018, following a review of notable amendments, it was recommended that City Council rescind Chapter 55, in its entirety, and replace with a new Chapter 55; and

WHEREAS, Chapter 55, Section 7.3 of the City Code, entitled Holidays, currently states 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 and that all City offices shall be closed during designated City holidays; and

WHEREAS, City employees shall be granted holiday pay, or accrual time, in accordance with Chapter 55, or their respective collective bargaining agreements.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 12<sup>th</sup> day of October 2020, by a favorable majority vote, authorizes the following holidays be observed from December 31, 2020 – January 1, 2022:

Holiday	Date Observed	Day
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<i>New Year's Eve 2020</i>	<i>December 31</i>	<i>Thursday</i>
New Year's Day 2021	January 1	Friday
Martin Luther King, Jr. Birthday	January 18	Monday
President's Day	February 15	Monday
Good Friday	April 2	Friday
Memorial Day	May 31	Monday
Juneteenth	June 18	Friday
Independence Day	July 5	Monday
Labor Day	September 6	Monday
Veterans Day	November 11	Thursday
Thanksgiving	November 25	Thursday
Day After Thanksgiving	November 26	Friday
Christmas Eve	December 24	Friday
Christmas	December 27	Monday
New Year's Eve	December 31	Friday

Motion carried.

*Adoption/Resolution 2020-30/Scheduling of Public Hearing/Police Facility Borrowing Referendum*

City Manager Whitfield referenced Resolution 2020-30 that sets the date of the public hearing for the potential bond issue for the new police station.

He then reviewed the provisions of the borrowing adding that the public hearing is scheduled for December 14<sup>th</sup>. The City Charter requires the vote on the ordinance no more than 30 days, but no less than 60 days from the time of the public hearing and its adoption.

The public hearing was pushed to December 14<sup>th</sup> to allow the schedule of having the vote the end of January 2021. It will also provide time for the Finance and Police Committee to discuss various funding options at their respective meetings during the month of November.

Adopting this resolution does not mean that Council is approving the \$20 million at this time and that action will be needed at a later date.

The floor was opened for public comment on the resolution. No one responded.

Councilmember Fulton moved to adopt Resolution 2020-30 scheduling the public hearing for the proposal borrowing of up to \$20 million on December 14, 2020, seconded by Councilmember Morrow:

RESOLUTION 2020-30  
 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS  
 IN AN AMOUNT NOT TO EXCEED \$20,000,000 AND  
 SCHEDULING OF PUBLIC HEARING ON DECEMBER 14, 2020

WHEREAS, the City Council of the City of Milford, Delaware (“Council”) has been advised that up to \$20,000,000 is required to finance the design, construction, and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the “Capital Project”).

WHEREAS, the Capital Project is expected to be financed through the issuance of the City of Milford General Obligation Bonds, in one or more series or subseries (the “Bonds”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD:

The Council hereby proposes unto the electors of the City that an amount of money not exceeding \$20,000,000 (exclusive of original issue discount) be borrowed to pay for the costs of the Capital Project and to pay the costs associated with the financing. The borrowing is expected to be accomplished through the issuance of the City's General Obligation Bonds, in one or more series or subseries.

The average rate of interest on the Bonds shall not exceed 5%.

The Bonds shall be secured by the full faith and credit of the City.

The Bonds shall be paid or funded from the tax revenues of the City.

The City be authorized to use the proceeds of the Bonds to fund the Capital Project and will be authorized to use a portion of the proceeds of the Bonds to pay costs associated with the issuance of the Bonds.

The City Council hereby establishes that a Public Hearing upon this Resolution and the proposed borrowing described herein shall be held on Monday, December 14, 2020 at 7:00 p.m. in the Joseph "Ronnie" Rogers Council Chambers at Milford City Hall located at 201 South Walnut Street, Milford, Delaware 19663 (the "Public Hearing Venue"), and hereby directs that notice of such hearing be published and posted as required by Article VIII of the Charter of the City of Milford. If the Public Hearing Venue remains closed to the public on the date of the Public Hearing, the City Council reserves the right to host the meeting virtually.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 12<sup>th</sup> day of October, 2020.

s/Mayor Arthur J. Campbell  
Attest: s/City Clerk Teresa K. Hudson

Motion carried by unanimous roll call vote.

#### EXECUTIVE SESSION

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

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:28 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:49 p.m.

Councilmember Fulton moved to authorize payment of \$35,000 from water reserves as discussed in Executive Session discussion, seconded by Councilmember Culotta. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 8:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Transcriber



MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 26, 2020

The City Council of the City of Milford convened in a Workshop Session by way of a video conferencing website on Monday, October 26, 2020 at 6:06 p.m.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

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

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See October 26, 2020 Council Meeting agenda for additional information.

*Proposed Riverwalk Development/Washington Street Property*

Planning Director Rob Pierce provided the following history and review of this matter:

In 2015, with the assistance of Arnett Muldrow & Associates, the City developed the Rivertown Rebirth 2025 Master Plan which was the centerpiece to the City's Downtown Development District (DDD) application. The downtown master plan proposed a mixed-use development along the southern banks of the Mispillion River between Washington Street and the Memorial Park bridge called RiverPlace (see page 19 of the master plan). Several of the large-scale projects proposed in the downtown master plan were focal points of the City's DDD application to the State of Delaware in 2016, for which RiverPlace was identified as a Key Priority Project.

In 2017, the City solicited proposals for the development of this land along the Mispillion River in downtown Milford (see Exhibit A and Exhibit B for location). The purpose of the Request for Proposals (RFP) was to seek qualified developers to construct a mixed-use project consistent with the recommendations of the City's Downtown Master Plan. Around the same time, the City's Planning Commission and City Council developed the language for the C-2A Riverfront Development zoning category to promote these mixed-use development recommendations (see enclosed for copy of C-2A zoning code).

As a result of the RFP, staff received one land development proposal for a five-story mixed-use project with commercial on the first floor and forty (40) market rate apartment units above. The proposal included amenities for the residents, including a fitness center and rooftop terraces, and included two additional retail buildings along the Riverwalk. The proposal did not meet the height requirements under the C-2A zoning code. Additionally, the proposal lacked the requested scaled site plan drawings, floor plan dimensions, detailed work plan and schedule. Many of these were not provided because the developer believed the project site contained too many unknown variables that would have an effect on the eventual development of the site. These included the 100-year floodplain, a well-head protection area, and lands that are currently protected through the Delaware Trust Fund and Land Water Conservation Trust Fund. The developer was unsure of the exact footprint that was available for development and the City would need to work with DNREC and the federal government to relocate the protected lands in order to make the property viable for mixed-use development.

The developer made a presentation to the City's Economic Development Committee on April 24, 2017 (see enclosed minutes). The Economic Development Committee was amenable with moving forward with the Land Disposal Contract for the mixed-use development, but the project eventually stalled due to unanticipated costs associated with the open space conversion (approximately \$50,000 for archaeological studies and appraisals), the unknown of whether the conversion

would be approved by the federal government and the developers need to focus on projects in Seaford, DE and Salisbury, MD.

As a result of stalled discussions, the City pivoted on its long-term vision for this property. In 2018, a “Downtown Roadmap Report” was prepared by Arnett Muldrow & Associates to assess the master plan implementation success and make new recommendations to enhance downtown redevelopment efforts. Appendix 7 of the Roadmap Report (see attached) proposed recreational enhancements on this property including a new playground, splash pad, public restroom, and an open-air pavilion that could be used during festivals and the farmer’s market. These recommendations for repurposing the Washington Street property for recreational use were made a part of the City’s Strategic Plan later that year.

The site is impacted by a well-head protection area (Exhibit F) and the 100-year floodplain (Exhibit E). The City intends to discontinue the use of the existing well due to age and structural issues and any development of the property would need to adhere to the City’s floodplain ordinance either by elevating the structures or placing fill within the floodplain.

As shown on Exhibit G, the unprotected areas of the targeted development area are limited to 0.88 +/- acres of land. If additional land is needed to develop a proposal similar to what was shown on the Rivertown Rebirth Master Plan, the City would need to submit a land conservation conversion request to the State and Federal government. The conversion request would require us to identify replacement land that would offset the monetary and recreational value of the conversion site. Staff identified one of the business park lots adjacent to Silicato Memorial Park on E. Liberty Way as a possible replacement site. Additionally, any recreational amenities removed by the conversion would need to be replaced. Staff had recommended relocating the existing basketball court to the Franklin Street parks & recreation facility at the cost of the developer.

The conversion application requires sign-off from several State and Federal agencies, including US Fish and Wildlife, DNREC Fish & Wildlife, USDA NRCS, DNREC Delaware Coastal Management Program, DNREC Division of Water Resources and State of Delaware Historic Preservation Office. The City solicited letters from all State agencies back in 2018 and received a request from the State Historic Preservation Office to perform a Phase I Archaeological Study of the conversion site. Staff estimates this to cost approximately \$30,000 to complete. Depending on the findings of the study, the State Historic Preservation Office could sign-off on the conversion request or request additional studies.

In addition to the \$30,000 study, the City would have to perform appraisals on the conversion site and the replacement site to determine value. The cost of the appraisals would be approximately \$5,000.

Development on the Washington Street property would be controlled by City Council, including details related to cost, reimbursable expenses, architectural reviews, land uses, etc., all of which would be outlined in a Land Disposition Contract between the City and any developer.

Mr. Pierce said he is seeking guidance from City Council on whether to entertain land development proposals on the Washington Street property, and if so, to what extent, or whether City Council would like to keep the property as open space and explore other recreational amenities.

City Manager Whitfield said one of the reasons they wanted to bring it back to Council so soon is because there are two somewhat conflicting reports and recommendations. It was a previous Council that endorsed these and is the reason it is being brought back to the current Council to see what direction they want. He also thinks we also owe the developer some answer in terms of whether the city is even interested in entertaining any type of development. From the City Planner and his standpoint, public land is always somewhat hard to come by. Giving up public spaces is difficult to do, but it depends on what Council wants to see in terms of any future development, whether it be recreational or economic.

Councilmember Culotta stated that his initial thoughts were that apartments alone, would not work. He wants to see a mixed-use situation. But in that time, he has spoken to many residents, as well as the comments on Facebook and when Milford Live reported it.

His personal thoughts are there is only one chance to utilize open space. And once that is gone, it is gone forever. He would like to see it remain open space, or a portion of it. He would like the basketball courts remain where they are and some type of Can-Do Playground or similar, that would attract families and foot traffic to our downtown.

Councilmember Morrow said he was around when this was first considered. He recalled the plan was to keep the majority of the project open space with a nice splash pad and some chairs around. He is more favor of keeping it open space and he thinks it is too small after going down there and walking around.

He said it is too small for a three, four story development. He would like the basketball court stay and a splash pad like Bethany Beach has. He also would like a good spot for food trucks when we have festivals, adding it is the center of town for events.

Councilmember Morrow feels it should be open space especially if the developer is getting it for free.

Councilmember Fulton would like to see stay open space with recreation being the key factor. With it being open space with the city fairs and other events, will attract more family usage and more people downtown. He feels the apartments discussed do not fit within the downtown area.

Though he understands that Seaford is doing quite well with these developers, that is not the area for them to start developing. He suggests they perhaps consider the old firehouse and do something with that down the road, but not in this area.

Councilmember James concurs with the other three councilmembers who have spoken. This is an area that is currently used frequently by the public. He has even seen people, especially during this pandemic time, actually exercising in that area.

With that said, Councilmember James feels there is a need to enhance the open space to attract more people to make it more usable. However, it needs to remain public land for public use and he strongly feels that way.

Councilmember Boyle agrees with the other Councilmembers and there is only one shot at this. Plus, there are some development issues on the site. It is still in a floodplain and there is still a sewage pumping station there. It is a well head protection area. He feels there are too many things about that site versus simply building on it.

He recalled receiving a publication that talked about the work the city is putting into the basketball court—new nets, new painting, etc.

Councilmember Boyle said there is only so much that can be done to help the kids in this town and that basketball court is one of them. Even if the city had a Summer Basketball League, there are many things that can be done that will bring families downtown and give the kids that live close to downtown something to do. He is in favor of leaving it as open space and enhancing it as Councilmember James mentioned.

Councilwoman Wilson recalled that when this group first came to the city, if she remembers correctly, she was in support of the development. She still does not think it's a bad idea, but wanted more of a mixed community down there, with shops, living and recreation. She definitely never wants to see the basketball courts gone and space for walking. She has had several people contact her, many have lived in this community all of their lives, in addition to young millennials who were very excited about this development going downtown and thought that it would definitely be a great asset and the future of the city.

However, she wasn't as pleased with the development itself. She expected the plan to be more grand than what was presented.

The plan was to bring a lot of individuals who preferred that type of lifestyle as was entertained in the beginning, though it was controversial as far as the activity and recreation part. She is willing to agree, if the majority want to keep it open space and recreation. Though, she really likes both scenarios.

Director Pierce asked Council to keep in mind that if we were to pursue any kind of development, the city would have control over a lot of things, including costs land use, architectural features and how it looks. He asked Council to keep in mind if this isn't the right place for a project like this, there could be something come up in the future on city owned land that could attract interest a developer in one of our worn-down parking areas, for example. The city will maintain full control and Council will have the ability to comment on those items.

Councilmember Culotta is willing to work with this particular developer but does not think this particular property is ideal for that, when compared to other uses. He thinks there is a need for livable space downtown and a need for change especially for millennials. But this particular spot is more ideal for recreational uses.

Councilmember Marabello said he concurs with two things. The fact that the property was too small to begin with and to get something that looks nice. The downtown plan states the district shall preserve the character of the adjacent properties and provide something attractive. That project presented does not conform to either of those two items. He thinks it is best to hold it and leave it the way it is now for recreation.

Councilmember Baer agrees it should remain as open space and be used for recreational uses and makes the most sense. He also agrees there just isn't enough space for what they were planning to do and it would look really crazy and somewhat damage the look of the Riverwalk. He is definitely in favor of keeping it open space and enhancing it with other recreational facilities and maybe enhancing the basketball court itself with some lights so people could play a little later in the evening and maybe have them be turned off at 9'ish at night so people can continue playing there.

Councilmember Marabello added that we should not accept a lesser design and instead, focus on the best type of design.

After further conversation, it was agreed the consensus is to leave the area as open space for recreational purposes and to work out with Parks and Recreation some of the items included in the report, though some may be part of the five-year capital improvement plan.

Mr. Whitfield informed Council he will add to the next agenda for Council to take formal action.

There being no further business, the Workshop Session concluded at 6:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 26, 2020

The City Council of the City of Milford convened their regular meeting by way of a video conferencing on Monday, October 26, 2020. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Danial Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Captain Gary Bailey and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See October 26, 2020 Council Meeting Agenda for additional information.

#### CALLED TO ORDER

Mayor Campbell called the meeting to order at 6:50 p.m.

#### INVOCATION AND PLEDGE

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

#### RECOGNITION

Mayor Campbell presented the following proclamations. The first celebrates Extra Mile Day in the City on November 1st and the second declares October as Milford Goes Purple Month in an effort to raise awareness of those suffering with drug and alcohol addictions and the assistance that is available.

*Proclamation 2020-20/Extra Mile Day in the City of Milford*

#### EXTRA MILE DAY

WHEREAS, the City of Milford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Milford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Milford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2020.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2020, to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 26th day of October in the Year of Our Lord, Two Thousand Twenty.

*Proclamation 2020-22/Milford Goes Purple*

Councilwoman Wilson shared this as an initiative adopted by many surrounding cities and she felt it was appropriate for the City of Milford to be a part of the effort, particularly with our partnerships with the police department's mental health initiative brought before Council by Councilman James. This shows our support of the effort to assist individuals impacted by drug and alcohol abuse who are fighting mental health battles.

MILFORD GOES PURPLE MONTH

WHEREAS, Delaware Goes Purple is a statewide initiative led by the Sussex County Health Coalition (SCHC) based out of Georgetown Delaware;

WHEREAS, in 2018, SCHC led the effort to reduce the stigma of addictions, inspired by The Herren Project™ Go Purple campaign;

WHEREAS, the purpose of Going Purple is to raise awareness and reduce the number of Delawareans suffering with drug and alcohol addiction and to share that recovery is possible;

WHEREAS, those struggling need to know that their disease is not one they should be ashamed of, or keep hidden;

WHEREAS, this year's project stresses the importance of educating people, especially parents and children, about how the path to addiction most often begins with prescription medications;

WHEREAS, nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers and other addictive drugs;

WHEREAS, to date, the State of Delaware has lost 175 people to overdose deaths;

WHEREAS, Delaware Goes Purple empowers each community to stand up to erase the stigma and to support those individuals who need it the most through informed conversations about alcohol dependence, prescription pills and drug addiction.

NOW, THEREFORE, I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare October 2020 as:

Milford Goes Purple Month

in hopes of making an impact and to assist in turning the tide of this epidemic by challenging community leaders, residents, teachers, students, businesses and their employees to work together to become part of the solution.

COMMUNICATIONS & CORRESPONDENCE

City Manager Whitfield reminded Council that an email had been sent with regard to individual schedules and their availability the week of November 16<sup>th</sup>. In order to solidify the date, he asked that Council respond within the next couple of days.

Currently, the retreat will begin around 6:00 pm and finish up by 9:00 pm.

UNFINISHED BUSINESS

*Authorization/Updated Milford Police Construction & Referendum Schedule*

City Manager Whitfield asked that Council consider establishing a change to the previous approved bond approval schedule for the new police station. Because the public vote on the bond must be done within 30 days after and no more than 60 after the public hearing, the public hearing is now tentatively set for December 14, 2020. Additionally, it was recommended the public vote take place on a weekday rather than a weekend. Based on past experience of the City Clerk, voter participation is higher when an election/referendum is held Monday thru Thursday. For this reason, staff recommends the vote on the bond referendum be scheduled for Tuesday, January 26, 2020.

Councilmember James moved to adopt the updated Milford Police Department Construction and Referendum Schedule, as noted, seconded by Councilmember Wilson:

<u>Date</u>	<u>Action</u>
10/12/2020	Council Resolution for Issuance of General Obligation Bonds
<del>11/09/2020</del> 12/14/2020	Public Hearing and Vote on Resolution
<del>01/30/2021</del> 01/26/2020	Public Vote on Bond Referendum
02/22/2021	Award Contract for Architect
10/01/2021	Advertise for Building Construction
09/03/2021	Potential Issuance of \$10 million BQ Bond #1
11/08/2021	Award Construction Contract
12/01/2021	Start Construction
09/01/2022	First Tax Increase for Bond #1
09/09/2022	Potential Issuance of \$10 million BQ Bond #2
09/30/2022	First principal payment on Bond #1
03/01/2023	Construction Complete
09/01/2023	Second Tax Increase for Bond #2.
09/30/2023	First principal payment for Bond #2; Second principal payment for Bond #1

Motion carried.

## NEW BUSINESS

### *Downtown Milford, Inc. (DMI) Building Structural Evaluation Report/207 South Walnut Street*

Public Works Director Svaby submitted the following report on the current home at 207 South Walnut Street owned by the City of Milford and used by Downtown Milford:

*The City of Milford purchased 207 South Walnut Street on August 16, 2012 for \$237,500 from Louise Miles. At the time of purchase, City Council plans for the property was to demolish the house for future City Hall expansion. On September 24, 2020, Pilottown Engineering conducted a structural review of the building. In their review, Pilottown identified the building's original construction date of 1850 and noted the acute structural challenges presented by multiple modifications to many elements of the building, making it very difficult to attain Code compliance. Pilottown believed that ADA compliance would be cost-prohibitive to achieve given the property's footprint.*

*Moreover, its complete lack of parking or access to any such amenity is detrimental to its value as a residential property. ADA compliance is going to be cost prohibitive, because it's actually a postage stamp property with no ability to allow for ADA access in terms of entrance ways to the building, unless it becomes connected to City Hall.*

*With these challenges, the City of Milford is faced with two options – to raze the building and keep the land for future development or sell 'as is'. Estimated demolition costs range between \$30,000 - \$35,000. This estimate will be impacted by the building materials identified on the site and the related tipping fees. Zillow unofficially estimates the building's retail value of \$186,000.*

Councilman Culotta pointed out this is home is only two houses from his home, and he understands it needs a good bit of attention. However, paying \$237,500 for it several years ago now, and now paying another \$30,000 to \$40,000 to demolish it does not make sense.

In his opinion, from a residential standpoint, the house is really not that bad, though cosmetically it does need a lot of renovating. He believes it will sell for around \$175,000 or more in an open sale and he prefers someone upgrade it even though that will take some work. Historic homes, regardless of their condition, do a lot for our downtown.

He does not see the City using it for any purpose and from a sidewalk standpoint, it has a retaining wall and is three feet off the ground. He prefers it be put on the open market to be sold. If not within a six to twelve month period, it can be revisited by Council and the demolition considered.

Councilmember Fulton suggested getting an appraisal done by a real estate agent and then compare each course of action. He will agree we can try and sell it, but definitely obtain an appraisal first.

Councilmember Boyle agreed adding he has an affinity for older homes, plus the fact it is well suited for the nature of the neighborhood. He also agrees there are some drawbacks including the lack of parking access, but perhaps something may be worked out by allowing access through the City parking lot. He also understands the work and upgrades that are needed, though he feels it is a very attractive house.

Councilman Morrow, Councilman James and Councilmember Wilson agree with the suggestions made by other Councilmembers.

Councilman James noted that Council has an obligation to the taxpayer to try and recoup some of the money that has been put into the property by trying to sell it. Perhaps it will attract someone that likes to work on older homes and it could end up being a win-win for everybody.

Councilwoman Wilson recalled when the City purchased it and the residents had to share City Hall's parking lot so that access was never a problem.

Solicitor Rutt believes that there was an agreement, in the form of a license agreement, to provide parking for the property.

Councilman Marabello said the City does not need the land at this point especially for parking because of the lot that was purchased across the street (Washington) for parking purposes. He thinks we need to see what we can get though a lot of work and money will have to be invested.

Councilman Culotta shared that he lives at 211 South Walnut and he just had his home appraised at \$285,000. Though at the time they did purchase it as a bank foreclosure and he has had to put a lot of work into it. He feels there is value in this property two houses from his as well, especially for a homeowner that wants a downtown type of lifestyle.

He then talked about the alley that runs behind his home, that turns and goes back out to South Washington. He was told that previously, that alley went straight through his now-garage and his neighbors, and exited into the city parking lot.

Councilman Culotta asked if that alley can be reopened because it has been encroached upon long enough. He would like to learn the real history if that were the case.

City Manager Whitfield believes the alley has been closed for more than twenty-one years, which makes it a closed alley. However, that does not prevent any adjacent property owners from petitioning to reopen it. By opening the alley, the city could take it over and make any necessary improvements.

City Manager Whitfield then pointed out that one somewhat urgent problem is the chimney that is pulling away from the DMI house and is sinking. At some point, that chimney structure will need to be addressed and because of that and other problems, he recommends it be sold 'as is'.

Council then directed the City Manager to sell the property 'as is'.

Director Svaby also noted that if there is interest in purchasing it for commercial purposes, he believes it is currently zoned R-2 and have to be rezoned. Commercial purposes would require the ADA upgrades, which he believes are physically prohibitive. That would create additional complications and emphasized the need for as residential purposes only.

Councilman Culotta suggested opening the fence up on the property to allow access through the city hall parking lot. That is how the property was initially accessed before the prior owner asked for use of the City parking lot. Director Svaby explained there is basically a 12:1 slope required to have ADA access that would require substantial distance going out into the parking lot as well.

Councilmember Baer agrees the house has a lot of character and charm and he would like to remain in the city if it were able to be fixed up.

Councilmember Culotta moved that the property at 207 South Walnut Street be appraised and accordingly placed on the open market to be sold as is for use as residential, based on tonight's conversation, seconded by Councilmember Boyle.

When questioned, Mr. Whitfield informed Council that he alerted DMI of both the condition of the building and that Council would either want to sell the building or raze the building. He also gave them to the end of December to relocate and they are already in that process.

Motion carried with no one opposed.

*Resolution 2020-31/Sidewalk Waiver/Misphillion Realty LLC/327 S DuPont Blvd*

Planning Director Pierce submitted the following request from Developer James Masten for a temporary sidewalk waiver for a minor subdivision of land along South DuPont Boulevard, approximately 150 feet north of the Marvel Road Intersection where it comes out to Lakelawn:

*Please accept this request for a sidewalk waiver for the property located at 327 South Dupont Highway. There are no adjacent sidewalks in either direction as far as the eye can see. Furthermore, the southern property line is a ditch that cannot be crossed, and the installation of the sidewalk would require filling wetlands. Thank you for your assistance. Call with any questions or clarifications, if necessary.*

Director Pierce noted this involves one parcel of land to be subdivided into three parcels. That process is being handled through the administrative review process and is contingent upon some utility reviews from our engineering division. One outstanding issue is the sidewalk which Council must address. For reference purposes, between the railroad tracks south of SR 14 and Milford Ponds on Route 113, there is only a small section of sidewalk at the corner of Lakeview Avenue that extends to US Route 113.

As a result, he is not opposed to a temporary wavier until a later time when it is more appropriate to install.

Director Pierce added that work continues on the Bicycle Master Plan update; the opposite side of the road has been identified as the preferred location of a shared-use path so it really would not be affected by some of the other planning items going on right now.

It was confirmed that Mr. Masten was not in the Zoom meeting.

Director Pierce also noted the combined width of frontage of the three lots is just shy of 450 feet.

He also added that if approved, the sidewalk requirement would be waived until the time the city decides it needs to be installed. Presently, there are no plans for a pedestrian project on that side of the highway.

Solicitor Rutt recommended stating how 'temporary it is' to know when and if, the city believes it should be installed.

Councilmember James added that some of that language already exists in the resolution. He also noted that unlike the sidewalk issue on SR 14, this is a sidewalk that currently leads nowhere. Other than the very small piece of sidewalk on

Lakeview and US Route 113, there are no sidewalks in any location on that side. In addition, there is no language for when a sidewalk is required to be installed. As a result, he does not see a reason for a denial and is willing to authorize the waiver, especially in light of the language in the resolution itself.

However, Councilmember James does strongly recommend that the city formalize a citywide plan for sidewalks. In that manner, when a developer comes before the city, they will know what the plans are for sidewalks, including time and location. And at some point, that can be shared with Council for comments and will provide clear direction for developers.

In addition, he feels that at some point, we should consider moving these matters from Council and instead having them handled administratively. In Councilmember James's opinion, this is not the best way to handle it because it is too bureaucratic. This is just another hurdle in his opinion.

Councilwoman Wilson agrees with Councilmember James and pointed out the city already has a plan requiring all new developments to install sidewalks. But she also understands there is always an exception though she agrees the Planning Director and Public Works should handle such waivers.

Councilmember Boyle agrees there is a requirement for sidewalks and suggests that paragraph two in the letter somewhat reinforces that. He asked if this will be subdivided and sold in parcels that the restrictions are added to each deed to prevent any future problems at the point sidewalks need to be installed.

Solicitor Rutt said that could be done. Another option is to add language to the resolution that the developer make reference to this resolution and any sale or transfer of the property is subject to it.

When asked if the resolution is recorded, Mr. Pierce recommended a note be added to the record plan for the subdivision, which must then be recorded at the county. Many times, development restrictions or caveats are included on the record plans.

Solicitor Rutt stated that typically, when somebody buys a property, they would do a title search in that county and such information would be divulged. Even without a title search, they are given constructive notice by the fact that there is a public record.

The Solicitor suggests the city require the developer to add a notation to the deed that the sale is subject to the resolution and number of the City of Milford. Then it is up to the developer/purchaser to find out what it states.

Councilmember Boyle believes that if Council agrees to give administrative authority, there is a need for set language and a mandate on the deed to prevent fighting with an owner down the road about installing a sidewalk.

Solicitor Rutt believes that any sidewalk waiver should be recorded in each respective County. In this case, it would show the tax map number so that the purchaser receives public notice of the requirement, thus adding another layer.

Councilman Boyle emphasized the need to have clear language.

City Clerk Hudson pointed out the language in the resolution has been updated as a result of Council's previous discussion and number five specifically states that the temporary sidewalk waiver must be part of the record plan.

Solicitor Rutt recommends adding a sixth condition that any out conveyance of the property or the deed of any out conveyance must reference this particular resolution. He recommends adding any out conveyance must and shall be under and subject to the resolution and add the number.

When asked if there was any public comment, no one replied, and the comment session was closed.

It was noted that any language change will require an ordinance to amend the associated code.

Director Pierce said that he will work with the Public Works Director and City Engineer to put together a rough sketch of areas of the city where waivers can be considered. That can then be reviewed at a later Council meeting.

Councilmember Boyle moved to adopt Resolution 2020-31 with the stipulation that paragraph six be added to reinforce the city's position, include the resolution number, and the authority of the city, and that info carry with the deed or record plan should the property be sold at a future date, seconded by Councilmember James:

RESOLUTION 2020-31  
SIDEWALK WAIVER

Property Owner: Mispillion Realty LLC  
Address of Property: 327 South DuPont Boulevard  
Milford, Delaware 19963  
Tax Map No: 1-30-3.07-043.00

WHEREAS, the above stated property owner has requested a waiver of the provisions of Chapter 197-Streets and Sidewalks of the Code of the City of Milford that requires the installation of curbing and sidewalks; and

WHEREAS, the property owner, is of the opinion, there exists justifiable reasons to request the temporary waiver of the required curbing and sidewalks.

Now, Therefore, Be It Resolved by the City of Milford:

1. The required improvements for curbing and sidewalk as set forth in Chapter 197 Streets and Sidewalks of the Code of the City of Milford ("Chapter 197") for the above property are hereby temporarily waived.
2. At such point in the future when 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 agree to install sidewalks in accordance with Chapter 197.
3. Said improvements must be completed, within the time mandated by the City of Milford, but not later than six months of receipt of notification, if agreed by the City of Milford Planning Office, and shall be at the owner's expense.
4. Should above property owner, its successors or assigns, fail to abide by conditions outlined in Resolution 2020-31, authorization for occupancy may be withheld.
5. The authorization to waive sidewalk(s) installation, as approved by Milford City Council on October 26, 2020, shall be reflected as a temporary waiver on the Record Plan.
6. (as described in motion)

Motion carries.

*Reauthorization/Sewer & Water Funding/Fencing*

Director Svaby presented the public works request for a total of \$47,500 to replenish funds that were lost due to time constraints on two previously capital-funded budget efforts—one in water reserves and one from sewer reserves. Requested is \$19,500 in water reserves and \$28,000 from sewer reserves to replace fence damages from the storm and add a fence to the Lighthouse pump station site to keep it secure.

The request is for a total of \$47,500 to reestablish both funds as cleared by the finance department.

Councilman James asked that in the future, Council be provided with a list of capital items that may or will be removed following that three-year period.

Councilman Marabello moved to authorize \$19,500 from Water Reserves and \$28,00 from Sewer Reserves to repair a damaged fence, and purchase/install new fences around Wells 4 & 5, seconded by Councilmember Baer. Motion carried with no one opposed.

#### ADJOURNMENT

Before adjourning, Captain Gary Bailey was acknowledged for attending on behalf of Chief Brown who was out of state.

There being no further business, Councilmember Boyle moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried and meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

# City of Milford



## PROCLAMATION 2020-21 VETERANS DAY

**WHEREAS**, throughout the history of our nation, the brave women and men of our Army, Navy, Air Force, Marine Corps, and Coast Guard have risked their lives to protect our country; and

**WHEREAS**, their contributions and sacrifices are a reminder that freedom is not free, and we are forever indebted to the millions of service members who fought and died in the line of duty; and

**WHEREAS**, these sacrifices are also made by the family members who support the men and women that have fought to preserve our liberties; and

**WHEREAS**, within the City of Milford there are more than 1,000 veterans who have served in the U.S. Armed Forces; and

**WHEREAS**, it is most appropriate that we honor and recognize the dedication and valor that veterans have displayed to protect our freedom and democracy.

**NOW, THEREFORE BE IT PROCLAIMED** that the Mayor and Council of the City of Milford, with gratitude and respect of the more than 20 million veterans who have faithfully served our country in the Armed Services, hereby proclaim November 11, 2020 as Veterans Day, and further extend our profound appreciation for their service to this great country.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 9<sup>th</sup> day of November in the Year of Our Lord, Two Thousand Twenty.

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Mayor Arthur J. Campbell

Attest:

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City Clerk Teresa K. Hudson

# City of Milford



## PROCLAMATION 2020-23 WORLD PANCREATIC CANCER DAY November 19, 2020

**WHEREAS** in 2020, an estimated 57,600 people will be diagnosed with pancreatic cancer, and 47,050 people will die from the disease; and

**WHEREAS** pancreatic cancer is one of the deadliest cancers, it is currently the 3<sup>rd</sup> leading cause of cancer-related death in the United States surpassing breast cancer; and

**WHEREAS** Pancreatic cancer has the lowest five-year survival rate of all major cancers at just 10 percent; and

**WHEREAS** when symptoms of pancreatic cancer present themselves, it is generally in later stages, and only 10 percent of pancreatic cancer patients are diagnosed when the disease is confined to their pancreas, and 91 percent of pancreatic cancer patients die within the first five years; and

**WHEREAS** approximately 200 deaths will occur in Delaware in 2020; and

**WHEREAS** pancreatic cancer is the seventh most common cause of cancer-related death across the world; and

**WHEREAS** the good health and well-being of the residents of the City of Milford are enhanced as a direct result of increased awareness about the symptoms and risks of pancreatic cancer, and research into early detection, causes, and effective treatments.

**NOW, THEREFORE BE IT PROCLAIMED** that the Mayor and Council of the City of Milford, designates November 19, 2020 as World Pancreatic Cancer Day in the City of Milford.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 9<sup>th</sup> day of November in the Year of Our Lord, Two Thousand Twenty.

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Mayor Arthur J. Campbell

Attest:

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City Clerk Teresa K. Hudson

# City of Milford



## PROCLAMATION 2020-24

Small Business Saturday

November 28, 2020

**WHEREAS**, the City of Milford celebrates our local small businesses and the contributions they make to our local economy and community; and

**WHEREAS** according to the United States Small Business Administration (SBA), there are currently 31.7 million small businesses in the United States, representing 99.9% of all businesses with employees in the United States and responsible for 65.1% of net new jobs created over the past 20 years; and

**WHEREAS**, according to the SBA, when someone spends \$100 at a local small business, \$48 is recirculated in the local economy, but if that same \$100 is spent at big box store or national retailer, only \$14 makes it back to the local economy; and

**WHEREAS**, Milford, Delaware supports our local businesses that create jobs, boost our local economy, and preserve our neighborhoods; and

**WHEREAS**, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW THEREFORE BE IT PROCLAIMED**, that the Mayor and Council of the City of Milford do hereby proclaim November 28, 2020, as Small Business Saturday, and and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 9<sup>th</sup> day of November in the Year of Our Lord, Two Thousand Twenty.

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Mayor Arthur J. Campbell

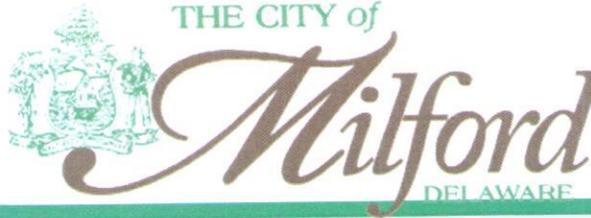
Attest:

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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: November 4, 2020  
RE: Activity Report/October 2020

### **Monthly Stats:**

A total of 622 arrests were made by the Milford Police Department during October 2020. Of these arrests, 120 were for criminal offenses and 502 for traffic violations. Criminal offenses consisted of 25 felonies and 95 misdemeanors. Traffic violations consisted of 124 Special Duty Radar, 7 Drunk-Driving charges, 371 other.

Police officers investigated 44 accidents during the month and issued 149 written reprimands. In addition, they responded to 1326 various complaints including city requests and other agency assistance.

### **Monthly Activities:**

Throughout the month of October, participated in numerous conference calls and virtual meetings in reference the COVID-19 and the Governor's Emergency Order for the State of Delaware. This includes weekly Fire and Police conference calls, calls with the Governor, Municipalities of Sussex Co. conference call and numerous calls with City Government Officials, the City Manager and the public. Also, participated in monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, and the weekly City Manager's Meeting with Department Heads.

Interviewed two candidates for the City of Milford IT Director's position throughout the month of October. Met with City Manager and Department Heads to review interviews and discuss which candidate should be offered the position.

Attended a Zoom mediation meeting held on October 6, 2020, in reference to a Civil Litigation

Attended a Skype meeting with FirstNet organizers to arrange for a FirstNet Delaware Webinar to be held later in the month.

Met with a Representative from the US Attorney's Office on October 8, 2020, in reference to crime trends affecting the City of Milford.

Attended the City of Milford 2020 Service Awards Ceremony held on October 9, 2020.

Met with Councilman James on October 19, 2020.

Interviewed a potential new hire for certified police officer position on October 20, 2020.

Attended a meeting in reference to police dispatcher negotiations held on October 21, 2020.

On vacation out of state from October 23, 2020 – October 27, 2020.

Attended a training webinar in reference to Uncovering Staged Suicide – The Three Studies in Authorship Attribution held on October 21, 2020.

Attended DPAC training held at the Smyrna Police Department on October 28, 2020.

### **Training** –

One officer attended Background Investigator's training held at the Delaware State Police Academy beginning on October 5, 2020 - October 6, 2020.

Three officers attended Legal Updates training held at the Delaware State Police Academy on October 19, 2020.

One officer attended Interview and Interrogation training held at the Delaware State Police Academy beginning on October 20, 2020 – October 22, 2020.

Most training outside the department was cancelled for the Month of October 2020 due to the COVID-19 Pandemic. Officers and civilians have been assigned required training via webinars throughout the month.

### **SRO** –

The Milford Police Department's Community Policing Unit hosted a Drug Enforcement Agency Drug Take Back drop off site on October 24th as part of the national event.

Sgt. Masten assisted Milford Senior High School with the annual "Tabletop" exercise, which is required under the Omnibus School Safety Act. A "Tabletop" exercise is a mock scenario where we utilize school plans to evaluate our processes for emergency planning.

S/Cpl. Bloodsworth continues to communicate with management of Academy Apartments about police concerns they have in that area.

S/Cpl. Bloodsworth participated in a "Trunk or Treat" event hosted by Carlisle Fire Company on October 3, 2020.

The Community Policing Unit purchased glow sticks for special duty and patrol officers working the City wide "Trick or Treat". These glow sticks are handed out annually during our patrols to groups participating to improve visibility for motorists of those walking.

OCT 2020 ACTIVITY REPORT

	OCT 2020	TOTAL 2020	OCT 2019	TOTAL 2019
COMPLAINTS	1326	9440	1391	12713
CRIMINAL ARRESTS	120	957	164	1443
Felonies	25	160	46	268
Misdemeanors	95	761	119	1176
TRAFFIC ARRESTS	502	2510	499	4200
Special Duty Radar	124	452	96	698
D.W.I.	7	51	11	76
Other	371	2007	392	3426
REPRIMANDS	149	802	150	1234
ACCIDENTS	44	292	63	589
Fatal	0	1	0	0
PARKING SUMMONS	3	43	21	114
CRIME PREV. CHECKS	22	97	20	196
FINES RECEIVED	\$6,309.75	\$ 60,198.55	\$7,264.32	\$ 80,619.76





PUBLIC WORKS DEPARTMENT  
180 Vickers Drive  
Milford, DE 19963

PHONE 302.422.1110  
FAX 302.422.1117  
www.cityofmilford.com

To: City Council and Mayor  
From: Mark A. Whitfield, City Manager  
Subject: Monthly Report – October 2020  
Date: November 5, 2020

- 
- I met with Claudie Leister of the Milford Museum regarding their need for a storage shed, possible on the Washington Street tower property.
  - I assisted with the Department of Labor's job fair at the Riverwalk.
  - Councilpersons Culotta, James, Marabello, and Boyle, along with the Mayor and I had a tour of the Nationwide project at the old Milford Hospital with Lt. Governor Bethany Hall-Long
  - We finalized the Economic Incentive Agreement and the Electric Service Agreement for Nationwide and sent them off for their signatures.
  - Rob Pierce, James Puddicombe and I continue to work on the NE Front Street TAP project coordination.
  - We had numerous communications with our Financial Advisors on the upcoming bond resolution.
  - I met with Peggy Reilly, the president of DMI, regarding the findings of the engineers on the structure of the DMI building.
  - I met with Rep Shupe and Dean Holden of Chesapeake Utilities regarding gas line installation on NE Front Street.
  - We held in-person interview/visit with three IT Director candidates. We made an offer to one of the candidates, but the candidate turned down the offer.
  - The Mayor and I attended a meeting with the Department of Labor regarding a follow up event with the Haitian community.
  - With Jamesha, we researched similar size Cities that had an Economic Development position. We also put together a rough draft job description.
  - Christine and I did some research on Marshall Pond Park.
  - I met with Morgan Golladay regarding interest in forming an Arts Council in Milford.
  - I attended the DEMEC Executive Board meeting.
  - I attended the Chamber of Commerce Annual meeting.
  - The Executive Committee of DEMEC held a special executive session meeting in Smyrna to discuss personnel issues.
  - Jamesha, Chief Brown and I met with our labor attorney on the dispatcher contract with the Teamsters.
  - Mayor Campbell, Christine Crouch, Brad, and I attended the Milford Community Cemetery Board meeting.
  - I spoke with Anne Marie Townshend of Lewes regarding possibly sharing an ICMA Fellow.

To: Mayor and City Council  
From: Louis C. Vitola, Finance Director  
Date: November 6, 2020  
Re: October 2020 Finance Department Staff Report

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- The September 2020 Fiscal Year-to-Date (YTD) Financial Report was distributed to Council.
  - Cash and investment balances remain strong through the first quarter, but the standard caution is that reserve requirements and funding commitments encumber a significant portion of the balance in each fund, most notably the General Fund, Sewer Fund and the Municipal Street Aid (MSA) Fund.
  - General Fund revenues are strong through the first quarter of the fiscal year. YTD revenue as a function of the annual budgeted revenue is 55%, but the figure is skewed by the annual property tax billing and the controlled recognition of transfers in and reserve-funded projects, which occur on a monthly basis and match budget expectations accordingly. Adjusted for property tax billing, incoming transfers and reserve-funded initiatives, YTD General Fund revenue is still a healthy 31.2% of the annual budget, while expenditures are being monitored closely, again measuring well under the levelized budgeted expenditures at this point through the year.
  - Enterprise Fund revenues are likewise strong through the first quarter, measuring more than 29% of annual budgeted revenue. However, as noted in last month's Finance Report, July and August are peak electric usage periods measured against a levelized revenue budget. The same can be said for Water and Sewer revenues this time of year, depending on temperature and precipitation. Strong electric revenues are offset by purchased power costs that exceed the levelized expense budget. Nevertheless, total expenses in the enterprise funds have been controlled well, such that the first quarter can still be characterized as strong in total, as revenues exceeded the levelized budget by 16.5% while total expenditures are 1.4% lower than the YTD budget.
- The FY20 Financial Statement Preparation and Audit process – Anticipated Delay
  - The audit process began in July and has continued through October and into November.
  - The Good News:
    - We have moved beyond the testing phase after delivering the FY20 trial balance to the auditors in September, and
    - We are close to completing the testing and document production required in connection with the Federal OMB Circular A-133 “single audit” of federally funded loans and grants, which is required with this year's audit primarily due to the level of grant and loan funding (more than \$750,000) received through the USDA in support of three ongoing sewer improvement projects.
  - The Bad News:
    - I expect a significant delay in the audit process for the following reasons:
    - Independence standards require the City to independently prepare the footnote disclosures, narratives, and schedule detail, along with the Government-wide and Fund Financial Statements for the first time. The process of converting the cash-



TO: Mayor and City Council

FROM: Michael Svaby

DATE: November 4, 2020

RE: October – Public Works Department Staff Report

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### **Solid Waste/Facilities Division**

Congrats to the Solid Waste Team for making strides to improve on daily missed collections. From September 1 to October 30, Public Works has decreased its missed collections by 23%.

Public Works officials Traveled to DSWA site in and learned that the City's recycling contamination rate is below average from what they are seeing from other haulers.

Phase 1 Basement IT /Bathroom Fit-out is completed with the exception of the vinyl base in the bathrooms which is being installed this upcoming week. IT is now able to move back in to their new work areas.

### **Electric/Tech Services Division**

Tech Services section upgraded the SCADA system software to its latest version.

The Division worked with customer service to establish procedure for changing customer rate class.

Completed phase 1 electric infrastructure installation at Windward on the River development.

Public Works returned Delivery 1 substation to normal configuration after completion of Delmarva Power capital project while correspondingly completed city maintenance of Delivery 1 substation and returned distribution to normal configuration.

Developed apprentice competency benchmarks for quarterly training exercises along with a preliminary checklist to formalize in-house training of apprentices.

Welcomed Milford HS intern to Public Works. Intern shadowed Electric Superintendent for week of 10/26. Intern will spend two weeks with Electric Department before rotating through other Divisions of Public Works.

Began replacing primary cable in Shawnee Acres. Various lengths of primary cable in Shawnee Acres are original to the development and have been identified for replacement as a capital project

### **Streets Division**

Completed Lakeview Ave storm drain repair and pavement project.

Completed 10<sup>th</sup> St storm drain repair and pavement patch.

Began leaf collection process.

Received repaired crack sealing machine and sealed cracks in Light House Estates.

Replaced storm drain and water line on Lovers Ln, patched pavement

### **Sewer/Water Division**

Completed Pressure Wash of South East Tower at a cost \$14,410.

Performed cleaning maintenance on the following sanitary sewer Pump Stations: Wendy's, Knotts Landing, Cascades, SE Regional, and Silicato.

Pulled and cleared rags from Fork Landing Pump Station.

Installed new probe at Washington Street Pump Station.

### **Engineering Division**

Sidewalk notices were mailed last week for upcoming work in Ward 1 and a few missed properties in the first phase.

Continued to work on a process model for Development Coordination.

Evaluated price quotes for phase I Environmental Analysis of the Rookery.

Ordered Appraisal for DMI building.

Continued paving inspections at Milford Ponds.

<b>Public Works Department -October 2020</b>	October 2019	October 2020	FY20 YTD <i>(07/01/19-10/31/19)</i>	FY21 YTD <i>(07/01/20-10/31/20)</i>
Electric Division				
Trouble Service Call	6	20	45	78
Work Orders Completed	24	42	114	140
Outages	4	8	28	36
Poles Replaced	13	4	25	24
After Hours Calls	6	6	41	34
Trees Trimmed	2	3	13	30
Technical Services Division				
New Electric Service Installed/Meter Set	21	32	73	83
New Water Service Installed/Meter Set	22	10	47	62
Electric Meter Replacement	11	14	51	38
Water Meter Replacement	27	43	142	131
Work Orders Completed	727	790	3,005	2,725
After Hours Calls	7	7	35	13
Streets/Utility Division				
Signs Installed/Replaced	4	15	37	62
Curb Miles Swept	0	250	594	405
Sewer Lines Flushed (in feet)	8,000	3,500	106,394	7,480
Sewer Back-up Response	0	1	14	10
Sewer Line Repaired	0	1	0	2
Water Hydrants Flushed	26	12	124	138
Fire Hydrants Replaced/Installed	0	0	2	0
Water Line Repair	0	0	7	8
Water Valves Exercised	12	25	6	71
De-icing Salt Used (tons)	0	0	0	0
Potholes Filled - Cold Patch	32	60	75	155
Potholes Filled/Spray Patch - Gallons Emulsion Used	45	0	11	62
Leaves Collected (Tons)	0	6	0	6
After Hours Calls	7	6	20	8
Crack Sealing (pounds of sealant used)	0	500	120	500
Work Orders Completed	34	9	10	118

Storm Sewer Inlets Cleaned	0	150	42	277
Street Closures/Festivals	2	2	6	12
Engineering Division				
Utility Locates Completed	248	249	1009	903
Operations Division				
Fleet Work Orders Completed	39	30	161	137
Fuel Use-Diesel (Gallons)	1,990	2,436	11,348	11,266
Fuel Use-Gas (Gallons)	3,695	4,313	14,597	18,473
Solid Waste & Facilities Division				
Refuse Collected (Tons)	258	330	848	1,001
Recycle Collected (Tons)	53	69	187	208
Yard Waste Collected (Tons)	56	72	171	166
Diversion Percentage (%)	30	30	30	30
Bulk/Brush Collection Requests Completed	71	77	224	260
Containers Delivered	58	48	193	186
Containers Serviced (Swap, Replacement, Removed)	25	47	151	128
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons) 10 Months	87,838,800	87,639,200	849,936,200	855,940,200
Waste Water Transferred (Millions of Gallons) 9 Month	75,092,000	112,848,000	777,601,000	755,929,620
Work Orders Completed	0	54	5	225
Pump Stations Cleaned	0	0	1	7
After Hours Calls	0	6	0	30

<b>Public Works Projects - October 2020</b>	Planning Stage	Bid/PO Award	In Progress	Complete
Electric				
DEL1 Substation Testing				X
DEL2 Substation Testing			X	
Traffic Signal Head Refurbish. - Church/Walnut/Washington	X			
GIS/Mapping - Smart Metering			X	
DEL2 Relay Replacement				X
Riverwalk Light Pole Powdercoat/Retrofit Phase II				X
Wilbur Street Line Reconductor				X
RP3 Application				X
Water				
Install Automated Blow-off Valves				
Protection Upgrades Caulk & 10th Street Towers				
Water Tower Altitude Valve at Caulk Tower			X	
Tenth St Water Treatment Facility Test Well, etc.			X	
Water Trtmnt. Monitoring & Process Control Upgrades (4&5)			X	
City-wide Valve & Hydrant Replacement/Improvements				
Standardized Water Treatment Facility Controls				X
SE 2nd Street Lead Service Line Replacement				
NE Front Street Water Lines	X			
DNREC Water Allocation Permit			X	
Washington Street WTF Lot Consolidation				
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair			X	
SCADA Instrumentation Upgrades & Integration				
Targeted Inflow and Infiltration Investigation & Repair				
SE 2nd Street Sewer Line Replacement				X
Silicato Grinder Pump Installation				X
North Shore Pump Station Hatch Replacement			X	
Shawnee Acre Pump Station				X
Streets				

Mispillion, McColley, Marshall Streets Reconstruct/Paving			X	
Roosa, Masten, SE 5th St Repaving				X
Plum Street Reconstruct		X		
SE 2nd Street Curb				X
Fisher Ave		X		
West Street Curb and Sidewalk Project				
Financing for Private Sidewalk Improvements			X	
Street Resurfacing and Rehabilitation, ADA Ramps	X			
Installation of ADA Compliant Ramps				
Walnut Street Pedestrian Crossing (Landscaping)	X			
Pennsylvania Street Gutter/Drainage Improvement	X			
Truck Turning Study	X			
US 113 Welcome Sign Relocation/Replacement (south end)	X			
Sidewalk Project			X	
Buildings				
Council Chambers Recording System Upgrade	X			
Monitors in Council Chambers	X			
City Hall Video Monitoring System Replacement	X	X	X	<b>X</b>
City Hall Basement Renovation Phase 1-IT	X	X	X	<b>X</b>
City Hall Basement Renovation Phase 2-Training Rm/Ofc	X			
PW Breakroom/Lockerroom Renovations	X	X	X	<b>X</b>
PW-Warehouse Door Security	X			
PW-Panic Alarms	X			
City Wide-LED Replacement Project	X	X	X	
City Hall Exterior Step Repair	X	X	X	<b>X</b>
Customer Service Video Monitoring System Replacement	X	X	X	
DMI Project	X			

<b>Public Works Equipment &amp; Vehicles - October 2020</b>	Planning Stage	Bid/PO Award	In Progress	Complete
Electric				
SCADA/Smart Metering Wall Monitor				X
Replace Fork Lift (WH-1)				X
Replace 2005 Excursion with similar 4x4 vehicle (E-106)				X
Replace 2000 International Line Truck (E-110)				X
Replace 2005 Ford F-250 Pickup (E-115)			X	
Replace 2003 International Material Handler (E-103)			X	
Water				
Replace W-16 IR Compressor				
Replace W-8 Ford F450				
Replace W-10 FN 150 Pump & MGS Trailer				
Replace S-5 Kod C70 Dump Truck				X
Replace S-9 GMC Dump with Hook truck				X
Replace W-14 Chevy Astro Van				X
Sewer				
Replace SE-2 Ford F250 Pickup				
Replace S-4 with Hook Truck with Dump/Flatbed & Plow				X
Solid Waste				
Replace Refuse Truck SW-12 with Split Body Collection Truck				X

Active Developments -October 2020	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Fork Landing	X	X	X	
Hearthstone Manor I	X	X	X	
Lighthouse Estates	X	X	X	
Willows Phase II	X	X		
Brookstone Trace	X	X	X	
Orchard Hill	X	X	X	
West Shores at New Milford	X	X	X	
Watergate	X			
Walnut Village	X	X	X	
Milford Ponds Phase I	X	X	X	
Hearthstone Manor II			X	
Milford Ponds Phase II				
Simpson's Crossing	X			
Cypress Hall Phase I	X	X		
Wichersham	X			
Mispillion Landing	X			
Riverwalk Villas	X			
Windward on the River	X	X	X	
Cypress Hall Phase II	X			
Milford Ponds Phase III	X			
Marina Del				
200 NW Front	X			X
Hickory Glen	X			
Knights Crossing	X			

<b>Commercial Developments -October 2020</b>	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Nemours	X	X	X	
Nutrien Ag				X
Surf & Turf				
Delaware Veterans Home				
Delaware Rural Water				X
Gator & Associates				
Microtel	X		X	
DNREC Mosquito Control				
Growmark FS - Redevelopment of Warehouse	X	X		
Mispiration River Brewery				
Milford Wellness Village				
Touch of Italy Business Park				
10th Street Medical Office	X	X		
Beach Babies	X	X		
Bright Nest LLC				
Milford Transfer Station DSWA				
Mavis Discount Tires				
Mid-Delaware Professional			X	
Milford Ponds Clubhouse	X	X	X	
Kidz Ink	X	X	X	
Windward on the River Commercial	X	X		
	Planning Stage	Bid/PO Award	In Progress	Complete
Solid Waste				
Replace Refuse Truck SW-12 with Split Body Collection Truck	X	X	X	X

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning & Economic Development Director

DATE: November 4, 2020

RE: October 2020 – Planning Department Staff Report

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- Through the first ten months of the 2020 calendar year, the City has issued 197 new residential construction permits and 6 new construction permits for 144 apartment units.
- The total construction investment in Milford from January through the end of October based on issued building permits was \$68,392,659.
- The City of Milford has seen 71 projects with a committed investment of over \$22.1 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.68 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$346,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission reviewed and approved the Final Site Plan for L.A. Kramer, LLC for an expansion of contractor's space in the Greater Milford Business Park.
- The Board of Adjustment reviewed and approved several variances related to oversized accessory structures, lot coverage and setback reductions for new home construction.
- Milford Ponds Phase II Final Major Subdivision is on the PC/CC agenda for November (consisting of 89 single-family detached dwellings). The City received a Final Major Subdivision application for Milford Ponds Phase III (consisting of 52 single-family detached dwellings) and received a Preliminary Site Plan application for Milford Ponds Phase IV (consisting of 264 multi-family units).
- The City received an application for Final Major Subdivision review of the Knight Crossing project. The developer is looking to separate the project into phases. Phase I is currently being reviewed by the City Engineer.
- The City Engineer is reviewing a Utility Feasibility Study request for a new residential development on the Draper Farm on Williamsville Road for approximately 250 residential units.
- The City held the fifth Bicycle Advisory Committee meeting on October 15 to review the input gathered from the September public workshop and to prepare for the project prioritization phase of the master planning process. The next BAC meeting will be in the beginning of December once the project segments are prioritized using State metrics.
- The Royal Farms location on US Route 113 has been completed and should be opening in the beginning of November.
- The Milford Movie Theater continues construction with a targeted opening date by the end of the calendar year.

- The Microtel and NE Tenth Street Medical Office Building continue construction between SR1 and Silicato Parkway.
- Bayhealth obtained a building permit for the fit-out of the 5<sup>th</sup> floor of the hospital.
- The first phases of the Bayhealth/Nemours medical office building on the Sussex Health Campus are nearing completion and additional fit-out permits for the second and third floor are under construction.
- The 200 NW Front Street Townhouse Project is nearing completion of its units along NW Front Street between N. Church Street and West Street. The project was a recipient of a Delaware State Housing Authority Strong Neighborhood Housing Fund grant and DDD Large project reservation and aims to provide new homeownership opportunities in the downtown area.
- Windward on the River began construction on 144 of their 264 apartment units within 6 buildings on their project site off of Beaver Dam Road.
- Simpsons Crossing should begin new home construction in early November.
- Staff attended the International Economic Development Council (IEDC) annual conference which was held virtually this year.
- There are two parcels under contract within the City business parks that are contingent upon Preliminary Site Plan/Conditional Use approvals.

Case Activity:

	Total
New Cases	23
Closed Cases	17
Open Cases at Start of Period	317
Open Cases at End of Period	321

Note: 185 open cases are for Weeds & Grass which stay open for the entire growing season

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	3
Dangerous Tree	1
Furniture Violation	1
Generic Violation	8
Property Maintenance Violation	9
Rubbish & Garbage	0
Weeds & Grass	1
Zoning Use Violation	0
<b>Total</b>	<b>23</b>

Rental Licenses Issued: 108

Vendor Licenses Issued: 0

Contractors Licenses Issued: 12

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	1
Commercial Foundation	0
Commercial Building Permit	6
Residential Demolition	1
Residential Building New Construction	27
Residential Renovation/Accessory	10
Roof/Siding Permit	13
Sign Permit	0
Solar Panel Permit	0
Utility Permit	3
<b>Total</b>	<b>61</b>

Inspections Performed:

Inspections Performed by Type	Count
Footer	26
Foundation	20
Framing	22
Insulation	16
Final	40
Residential Rental	0
<b>Total</b>	<b>124</b>

Note: Proactive rental inspections have been placed on hold due to COVID-19.

PARKS & RECREATION DEPARTMENT  
207 Franklin Street  
Milford, DE 19963



PHONE 302.422.1104  
FAX 302.422.0409  
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: November 4, 2020

RE: October 2020 – Parks and Recreation Staff Report

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- October was another wet month for grass cutting and parks crews continued to play catch up from a wet spring and summer. 2020 will go down as one of the wettest on record for grass cutting.
- Parks and Recreation parking lot (Franklin Street by the ball fields) was repaved, including new striping, and signage. This was identified as part of the Capital improvement plan and will benefit not only visitors to Parks & Rec. and the playground, but also the Little league patrons who also use the parking spaces during baseball season.
- Work began on rebuilding the basketball court alongside the river. Repairs were made to the sinkhole and other areas of the court which had been compromised and new asphalt paving as installed. The new 6' high black galvanized fence is currently being installed. New backboards are being fabricated and new hoops have been ordered. The court will be temporarily striped for winter and a new top coat (referred to as a "sports coat") will be installed in the spring when the weather is warmer.
- A line of trees was removed between the ballpark and First State manufacturing. Several of the trees had died and were at risk of falling onto the building.
- New larger rocks were installed at one of the bump outs on North Walnut Street.
- Park staff began removing dead flowers from the hanging baskets and flower beds the month of October, in preparation for installing the Christmas decorations and greenery in November.
- A new fence and signage was installed at the dog park, thus creating a third area for "active" dogs, and allowing one section to be taken off-line for routine maintenance. Concrete was poured for walkways and a seating area and some form of new seating will be installed. A new metal and recycle trash can was also installed.
- Youth programming in the form of flag football (ages 7-13) and a soccer clinic (ages U8-U12) continued through the month of October.
- Preparations began to move forward with a winter basketball league and the associated rules, regulations and guidelines from the Department of Health pertaining to Covid-19.
- Construction of the bathrooms at the Park maintenance building (rear building at the old Armory) continues and is near completion.
- Work began on handrail repair on the Riverwalk near the State service building.

- 3x new trees were planted on Front Street by Park staff in front of the new town homes which were recently constructed, as part of the City's commitment to making improvements in the downtown.
- Parks crew assisted Public Works staff in removing a large tree which had fallen at the Union cemetery.
- Director attended (virtually) the monthly Kent County Tourism meeting.
- Director and Park Superintendent participated in interviews for the 2 year Public Works and Parks and Recreation intern position.
- Park Superintendent Ralph "RJ" Skinner continued Supervisor training.
- Doreen Wrightsman (Administrative Assistant) was recognized for over 30 year's loyal service to the Department and to the City of Milford.



HUMAN RESOURCES  
10 SE Second Street  
Milford, DE 19963

PHONE 302.424.5142  
FAX 302.424.5932  
www.cityofmilford.com

TO: Mayor and City Council

FROM: Jamesha C. Eaddy, MBA, MSL- Human Resources Administrator

DATE: November 2, 2020

RE: October 2020 –Human Resources Department Staff Report

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- Interviews were conducted for the position of Public Works Intern which is a full-time, 2-year rotational apprenticeship opportunity for a recent high school graduate. The intern will rotate through the divisions of Public Works and Parks and Recreation. A job offer was extended and accepted for the position.
- Onboarded a Senior from Milford High School who is an Engineering major. The intern will rotate through the divisions of Public Works. The City partnered with the Milford School District last year to offer paid work-based learning internship opportunities for high school students.
- The 2020 Service Awards and Vanderwende Ice Cream Truck outdoor event was held at Public Works on October 9, 2020. The City recognized all employees in the service year increments of 1,5, 15, 20, 25, 30 and 35.
- PMA Companies in partnership with the City's workers compensation carrier DeLea Founders Insurance Trust (DFIT) administered an organizational Employee Wellness Survey on behalf of the City. The anonymous survey investigates the areas of Health Awareness, Exercise and Nutrition, Smoking, Mental Health, Sleep, Organizational Support for Safety and Wellbeing, Caretaking and Readiness for Change.



Financial Reporting Package  
As of and For the Period Ended September 30, 2020

Cash & Investment Balance Rollforward  
Restricted Cash Reserves Report  
Revenue Report with MTD & YTD vs Annual Budget  
Expenditure Report with MTD & YTD vs Annual Budget  
Interservice Department Cost Allocation

City of Milford, Delaware  
Cash and Investment Balance<sup>1</sup> Rollforward  
(Formerly Fund Balances Report)  
For the Period Ended September 30, 2020

1 **Operating Cash Balances**

Description	Opening Balance (Aug 31, 2020)	Receipts	Interest Earned	Disbursements	Closing Balance (Sep 30, 2020)
General Fund	\$ 2,604,455	\$ 2,696,003	\$ 633	\$ (1,572,911)	\$ 3,728,180
Electric Fund	4,718,246	2,876,608	1,561	(2,416,531)	5,179,884
Water Fund	592,204	320,455	849	(174,227)	739,281
Sewer Fund	353,603	419,604	372	(324,023)	449,556
Solid Waste Fund	317,388	150,610	44	(104,426)	363,616
<b>Operating Cash Totals</b>	<b>\$ 8,585,896</b>	<b>\$ 6,463,280</b>	<b>\$ 3,459</b>	<b>\$ (4,592,118)</b>	<b>\$ 10,460,517</b>

9 **Federal, State and Other Special Purpose Cash Balances**

Description	Opening Balance (Aug 31, 2020)	Receipts	Interest Earned	Disbursements <sup>3</sup>	Closing Balance (Sep 30, 2020)
General Improvement	\$ 380,054	\$ -	\$ 48		\$ 380,102
Municipal Street Aid (MSA)	376,925	68,313	56		445,294
Realty Transfer Tax (RTT)	3,035,439	134,662	394	(41,667)	3,128,828
Economic Development	32,289	-	-		32,289
<b>Special Purpose Cash Totals</b>	<b>\$ 3,824,707</b>	<b>\$ 202,975</b>	<b>\$ 498</b>	<b>\$ (41,667)</b>	<b>\$ 3,986,513</b>

16 **Reserve Fund Cash Balances<sup>2</sup>**

Description	Opening Balance (Aug 31, 2020)	Receipts	Interest Earned	Disbursements <sup>4</sup>	Closing Balance (Sep 30, 2020)
General Fund Capital Reserves	\$ 2,097,640	\$ -	\$ 2,787	\$ (8,406)	\$ 2,092,021
Water Fund Capital Reserves	9,577,443	-	12,725	(529)	9,589,639
Sewer Fund Capital Reserves	4,207,430	-	5,591	(204,500)	4,008,521
Electric Fund Capital Reserves	11,622,284	66,246	15,443	(642)	11,703,331
<b>Reserve Fund Cash Totals</b>	<b>\$ 27,504,797</b>	<b>\$ 66,246</b>	<b>\$ 36,546</b>	<b>\$ (214,077)</b>	<b>\$ 27,393,512</b>

23 **Impact Fees and Police/General Facilities Cash Balances**

Description	Opening Balance (Aug 31, 2020)	Receipts <sup>5</sup>	Interest Earned	Disbursements	Closing Balance (Sep 30, 2020)
Police & General Gov't Facilities	\$ 396,632	\$ 22,031	\$ -	\$ -	\$ 418,663
Water Impact Fee Reserves	3,608,203	101,069	-	-	3,709,272
Sewer Impact Fee Reserves	2,119,502	53,397	-	-	2,172,899
Electric Impact Fee Reserves	894,240	12,600	-	-	906,840
<b>Impact Fees &amp; Police/GF Totals</b>	<b>\$ 7,018,577</b>	<b>\$ 189,097</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,207,674</b>

<b>Grand Totals</b>	<b>\$ 46,933,977</b>	<b>\$ 6,921,598</b>	<b>\$ 40,503</b>	<b>\$ (4,847,862)</b>	<b>\$ 49,048,216</b>
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<sup>1</sup>Balances reflect banking and investment account statements and are not indicative of funding availability

<sup>2</sup>See enclosed Restricted Cash Reserves Report for breakdown of reserve funding commitments

<sup>3</sup>Transfer to Police to support operating expenditures (line 13)

<sup>4</sup>Sewer Reserves used for purchase of budgeted equipment (dump truck)

<sup>5</sup>Receipts (lines 26-27) driven by higher-than-usual development activity; Windward on the River Clubhouse contributed impact fees while 32 new home permits were issued in September (highest since at least May 2015)

City of Milford, Delaware  
Restricted Cash Reserves Report  
As of September 30, 2020

General Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	2,092,021
Restricted Funds:		
FY'19 Approved with Budget		(33,410)
FY'19 Capital - Council Approved		(55,830)
FY'20 Approved with Budget		(230,165)
FY'20 Capital - Council Approved		(7,300)
FY'21 Approved with Budget <sup>1</sup>		(813,099)
FY'21 Capital - Council Approved <sup>2</sup>		(244,690)
Funding for 5 Police Officers - Yr 3		(436,800)
Hold for Future Fund Balance Policy <sup>4</sup>		-
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>270,727</b>

Water Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	9,589,639
Restricted Funds:		
NW & NE Front Street Waterline		(131,718)
Public Works - HVAC Project <sup>3</sup>		(4,827)
Streets 2020 Utility Engineering		(10,883)
SE Second Street - Lead Gooseneck		(152,562)
Two Test Wells - 10th Street		(80,000)
Automated Blow-Off Valves		(48,628)
Lovers Lane Water Lines		(44,950)
Front Street Water Lines		(1,500,000)
Cost of Service: Min Cash Req'mt		(2,433,832)
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>5,182,239</b>

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	4,008,521
Restricted Funds:		
Service Vehicle - Ford F250		(35,000)
Public Works - HVAC Project <sup>3</sup>		(4,827)
Hook/Dump Truck with Plow		(7,524)
I&I Engineering Study		(13,943)
DNREC Surface Water Grant		(50,000)
Mill Street - Line Rerouting		(13,733)
Streets 2020 Utility Engineering		(10,883)
Cost of Service: Min Cash Req'mt		(3,562,637)
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>309,974</b>

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	11,703,331
Restricted Funds:		
SCADA / Smart Metering Wall		(100,000)
International Line Truck (E110)		(275,000)
FY'19 Budgeted Capital		(297,150)
FY'20 Budgeted Capital		(466,400)
Early Redemption of Bond (1/1/22)		(1,060,000)
Cost of Service: Min Cash Req'mt		(4,816,739)
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>4,688,042</b>

Municipal Street Aid Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	445,294
Projected Receipts through FY'21:		206,532
Restricted Funds:		
Mispillion Street Group		(434,440)
Street Improvement Plan: 2020		(133,000)
Street Improvement Plan: 2019		(72,000)
Balance of Fisher, Plum, Masten, etc		(1,094)
Balance of Lovers Lane Project		(3,125)
Restricted for Bridge Improvements		(6,552)
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>1,615</b>

Realty Transfer Tax Reserves		Amount
Cash/Investment Balance (9/30/20)	\$	3,128,828
Projected Receipts through FY'21:		458,250
Restricted Funds:		
Transfer to Police Dept		(374,999)
Sidewalk Project Funding		(140,000)
Mispillion Street Group		(80,000)
Hold for Future Asset Replacement		-
<b>Uncommitted Reserve Balance</b>	<b>\$</b>	<b>2,992,079</b>

<sup>1</sup>Includes \$347,899 for FY'21 General Fund Operating Budget Deficit-Funding  
<sup>2</sup>Increase versus August Report reflects \$230,690 in approved funding for City Hall Lower Level Fitout  
<sup>3</sup>HVAC & Breakroom projects are complete, but retainage remains  
<sup>4</sup>The Finance Department will develop a minimum cash balance recommendation for Mayor & Council consideration

City of Milford, Delaware  
 Revenue Report: MTD and YTD Actual vs Annual Budget  
 For the YTD Period Ended September 30, 2020

*25.0% of Year Elapsed*

Account / Function	FY'21 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
<b>General Fund:</b>				
Economic Development Fund	\$ 70,860	\$ -	\$ 70,860	100.0%
General Fund Reserves	813,099	44,571	229,179	28.2%
General Fund Reserves - New Officers	436,800	36,400	109,200	25.0%
Realty Transfer Tax - Police	500,000	41,667	125,000	25.0%
Real Estate Tax	4,316,000	271	4,227,756	98.0%
Business License	50,000	1,640	7,090	14.2%
Rental License	100,000	1,575	11,525	11.5%
Building Permits	250,000	22,561	119,936	48.0%
Planning & Zoning	47,000	4,510	7,410	15.8%
Grasscutting Revenue	16,000	1,333	4,000	25.0%
Police Revenues	508,375	156,413	230,655	45.4%
Misc. Revenues	417,100	17,158	55,463	13.3%
Transfers In	3,486,525	290,543	871,631	25.0%
<b>Total General Fund Revenue</b>	<b>\$ 11,011,759</b>	<b>\$ 618,643</b>	<b>\$ 6,069,705</b>	<b>55.1%</b>
<b>Enterprise Funds:</b>				
Water Fund Revenues	\$ 2,984,930	\$ 307,005	\$ 880,808	29.5%
Sewer Fund Revenues	2,528,345	234,580	698,258	27.6%
Kent County Sewer	1,900,000	183,021	546,729	28.8%
Solid Waste Fund Revenues	1,314,770	142,011	362,618	27.6%
Electric Fund Revenues	24,310,398	2,288,293	7,136,817	29.4%
<b>Total Enterprise Fund Revenue</b>	<b>\$ 33,038,443</b>	<b>\$ 3,154,910</b>	<b>\$ 9,625,230</b>	<b>29.1%</b>
Other Enterprise Expense		(880)	(1,299)	
Other Enterprise Revenue		3,165	3,165	
<b>Total General &amp; Enterprise Fund Revenue</b>	<b>\$ 44,050,202</b>	<b>\$ 3,775,838</b>	<b>\$ 15,696,801</b>	<b>35.6%</b>
LTD Carlisle Fire Company Building Permit Fund			\$ 556,623	

City of Milford, Delaware  
Expenditure Report: MTD and YTD Actual vs Annual Budget  
For the YTD Period Ended September 30, 2020

*25.0% of Year Elapsed*

Fund / Account / Divisional Groupings	FY'21 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>General Fund</b>					
<b>City Administration</b>					
Personnel	\$ 623,686	\$ 45,618	\$ 128,218	20.6%	\$ 495,468
Operation & Maintenance (O&M)	191,289	5,954	25,396	13.3%	165,893
Capital	-	-	-		-
<b>Subtotal: City Administration</b>	<b>814,975</b>	<b>51,572</b>	<b>153,614</b>	<b>18.8%</b>	<b>661,361</b>
<b>Planning &amp; Zoning</b>					
Personnel	158,111	12,940	33,954	21.5%	124,157
O&M	82,647	3,446	10,910	13.2%	71,737
Capital	-	-	-		-
<b>Subtotal: Planning &amp; Zoning</b>	<b>240,758</b>	<b>16,386</b>	<b>44,864</b>	<b>18.6%</b>	<b>195,894</b>
<b>Code Enforcement &amp; Inspections</b>					
Personnel	288,296	22,125	59,335	20.6%	228,961
O&M	91,722	3,700	11,122	12.1%	80,600
Capital	32,000	-	-	0.0%	32,000
<b>Subtotal: Code Enforcement &amp; Inspections</b>	<b>412,018</b>	<b>25,825</b>	<b>70,457</b>	<b>17.1%</b>	<b>341,561</b>
<b>Council</b>					
Personnel	32,295	1,453	5,759	17.8%	26,536
Legal	45,000	2,020	4,640	10.3%	40,360
City Hall Building Expense	30,014	2,502	7,504	25.0%	22,510
Insurance	20,400	5,442	10,975	53.8%	9,425
Christmas Decorations	7,000	-	-	0.0%	7,000
Council Expense	34,200	1,126	9,815	28.7%	24,385
Employee Recognition	28,000	431	537	1.9%	27,463
Codification	15,000	968	4,302	28.7%	10,698
Carlisle Fire Company	140,000	-	-	0.0%	140,000
Museum	30,000	-	30,000	100.0%	-
Downtown Milford, Inc.	45,860	-	45,860	100.0%	-
Milford Public Library	25,000	-	25,000	100.0%	-
Economic Development	2,000	-	-	0.0%	2,000
Armory Expenses	9,000	1,243	3,017	33.5%	5,983
Kent Economic Partnership	30,000	-	-	0.0%	30,000
Election - Wages	6,000	-	-	0.0%	6,000
Election - Supplies	2,000	-	-	0.0%	2,000
Community Festivals	60,000	-	-	0.0%	60,000
<b>Subtotal: Council</b>	<b>561,769</b>	<b>15,185</b>	<b>147,409</b>	<b>26.2%</b>	<b>414,360</b>

City of Milford, Delaware  
Expenditure Report: MTD and YTD Actual vs Annual Budget  
For the YTD Period Ended September 30, 2020

		<i>25.0% of Year Elapsed</i>				
Fund / Account / Divisional Groupings	FY'21 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance	
37	<b>Finance</b>					
38	Personnel	504,476	45,064	103,246	20.5%	401,230
39	O&M	86,400	3,716	15,492	17.9%	70,908
40	Capital	-	-	-		-
41	<b>Subtotal: Finance</b>	<b>590,876</b>	<b>48,780</b>	<b>118,738</b>	<b>20.1%</b>	<b>472,138</b>
42	<b>Information Technology</b>					
43	Personnel	274,394	12,693	34,133	12.4%	240,261
44	O&M	276,418	2,887	23,385	8.5%	253,033
45	Capital	62,000	-	17,486	28.2%	44,514
46	<b>Subtotal: Information Technology</b>	<b>612,812</b>	<b>15,580</b>	<b>75,004</b>	<b>12.2%</b>	<b>537,808</b>
47	<b>Police Department</b>					
48	Personnel	4,969,864	354,697	967,091	19.5%	4,002,773
49	O&M	724,875	58,190	181,143	25.0%	543,732
50	Capital	105,700	1,700	91,538	86.6%	14,162
51	<b>Subtotal: Police Department</b>	<b>5,800,439</b>	<b>414,587</b>	<b>1,239,772</b>	<b>21.4%</b>	<b>4,560,667</b>
52	<b>Streets &amp; Grounds Division</b>					
53	Personnel	353,451	26,338	71,923	20.3%	281,528
54	O&M	440,195	26,826	75,936	17.3%	364,259
55	Capital	-	-	-		-
56	<b>Subtotal: Streets &amp; Grounds Division</b>	<b>793,646</b>	<b>53,164</b>	<b>147,859</b>	<b>18.6%</b>	<b>645,787</b>
57	<b>Parks &amp; Recreation</b>					
58	Personnel	550,946	32,450	105,982	19.2%	444,964
59	O&M	368,020	38,680	104,209	28.3%	263,811
60	Capital	265,500	14,955	36,305	13.7%	229,195
61	<b>Subtotal: Parks &amp; Recreation</b>	<b>1,184,466</b>	<b>86,085</b>	<b>246,496</b>	<b>20.8%</b>	<b>937,970</b>
62	<b>Total General Fund Expenditures</b>	<b>\$ 11,011,759</b>	<b>\$ 727,164</b>	<b>\$ 2,244,213</b>	<b>20.4%</b>	<b>\$ 8,767,546</b>

City of Milford, Delaware  
Expenditure Report: MTD and YTD Actual vs Annual Budget  
For the YTD Period Ended September 30, 2020

*25.0% of Year Elapsed*

Fund / Account / Divisional Groupings	FY'21 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>Enterprise Funds:</b>					
<b>Water Division</b>					
Personnel	\$ 319,598	\$ 23,345	\$ 63,325	19.8%	\$ 256,273
O&M	1,542,611	108,163	327,946	21.3%	1,214,665
Capital	757,445	-	-	0.0%	757,445
Debt Service	365,275	46,500	136,136	37.3%	229,139
<b>Subtotal: Water Division</b>	<b>2,984,929</b>	<b>178,008</b>	<b>527,407</b>	<b>17.7%</b>	<b>2,457,522</b>
<b>Sewer Division</b>					
Personnel	307,738	23,117	61,843	20.1%	245,895
O&M	1,814,277	201,334	420,073	23.2%	1,394,204
Capital	-	-	-	-	-
Debt Service	406,330	-	17,961	4.4%	388,369
<b>Subtotal: Sewer Division (excl. Kent County)</b>	<b>2,528,345</b>	<b>224,451</b>	<b>499,877</b>	<b>19.8%</b>	<b>2,028,468</b>
Kent County Sewer	1,900,000	183,007	546,729	28.8%	1,353,271
<b>Subtotal: Sewer Division (Comprehensive)</b>	<b>4,428,345</b>	<b>407,458</b>	<b>1,046,606</b>	<b>23.6%</b>	<b>3,381,739</b>
<b>Solid Waste Division</b>					
Personnel	315,705	19,656	58,200	18.4%	257,505
O&M	999,065	85,674	276,896	27.7%	722,169
Capital	-	-	-	-	-
<b>Subtotal: Solid Waste Division</b>	<b>1,314,770</b>	<b>105,330</b>	<b>335,096</b>	<b>25.5%</b>	<b>979,674</b>
<b>Subtotal: Water, Sewer &amp; Solid Waste</b>	<b>8,728,044</b>	<b>690,796</b>	<b>1,909,109</b>	<b>21.9%</b>	<b>6,818,935</b>
<b>Electric Division</b>					
Personnel	1,135,845	94,107	252,690	22.2%	883,155
O&M	2,605,859	219,634	616,557	23.7%	1,989,302
Transfer to General Fund	2,500,000	208,333	625,000	25.0%	1,875,000
Capital	947,529	2,784	39,198	4.1%	908,331
Debt Service	321,165	-	-	0.0%	321,165
<b>Subtotal: Electric Division (excl. Power)</b>	<b>7,510,398</b>	<b>524,858</b>	<b>1,533,445</b>	<b>20.4%</b>	<b>5,976,953</b>
Power Purchased	16,800,000	1,333,910	4,702,679	28.0%	12,097,321
<b>Subtotal: Electric Division (Comprehensive)</b>	<b>24,310,398</b>	<b>1,858,768</b>	<b>6,236,124</b>	<b>25.7%</b>	<b>18,074,274</b>
<b>Total Enterprise Fund Expenditures</b>	<b>\$ 33,038,442</b>	<b>\$ 2,549,564</b>	<b>\$ 8,145,233</b>	<b>24.7%</b>	<b>\$ 24,893,209</b>
<b>Grand Total Operating Budget</b>	<b>\$ 44,050,201</b>	<b>\$ 3,276,728</b>	<b>\$ 10,389,446</b>	<b>23.6%</b>	<b>\$ 33,660,755</b>

City of Milford, Delaware  
Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget  
For the YTD Period Ended September 30, 2020

*25.0% of Year Elapsed*

Account / Divisional Groupings	FY'21 Budget	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
<b>Interservice Departments</b>					
<b>Garage</b>					
Personnel	\$ 94,751	\$ 6,473	\$ 19,125	20.2%	\$ 75,626
Operation & Maintenance (O&M)	120,672	13,849	28,635	23.7%	92,037
Capital	-	-	-		-
<b>Subtotal: Garage</b>	<b>215,423</b>	<b>20,322</b>	<b>47,760</b>	<b>22.2%</b>	<b>167,663</b>
<b>Public Works</b>					
Personnel	727,522	49,355	123,741	17.0%	603,781
O&M	270,155	14,675	45,131	16.7%	225,024
Capital	216,773	-	-	0.0%	216,773
<b>Subtotal: Public Works</b>	<b>1,214,450</b>	<b>64,030</b>	<b>168,872</b>	<b>13.9%</b>	<b>1,045,578</b>
<b>Tech Services</b>					
Personnel	249,059	19,543	53,053	21.3%	196,006
O&M	445,181	33,610	96,386	21.7%	348,795
Capital	-	-	-		-
<b>Subtotal: Tech Services</b>	<b>694,240</b>	<b>53,153</b>	<b>149,439</b>	<b>21.5%</b>	<b>544,801</b>
<b>Billing &amp; Collections</b>					
Personnel	662,726	47,053	124,823	18.8%	537,903
O&M	282,655	12,409	52,707	18.6%	229,948
Capital	49,500	-	13,866	28.0%	35,634
<b>Subtotal: Billing &amp; Collections</b>	<b>994,881</b>	<b>59,462</b>	<b>191,396</b>	<b>19.2%</b>	<b>803,485</b>
<b>City Hall Cost Allocation</b>					
O&M	70,620	2,696	12,172	17.2%	58,448
Capital	-	-	-		-
<b>Subtotal: City Hall Cost Allocation</b>	<b>70,620</b>	<b>2,696</b>	<b>12,172</b>	<b>17.2%</b>	<b>58,448</b>
<b>Interdepartmental Cost Allocation</b>	<b>\$ (3,189,614)</b>	<b>\$ (199,663)</b>	<b>\$ (569,639)</b>	<b>17.9%</b>	<b>\$ (2,619,975)</b>
<b>Net Interdepartmental Costs<sup>1</sup></b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>

<sup>1</sup>All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.



TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning & Economic Development Director

DATE: October 26, 2020

RE: **Washington Street Property - Update**

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*Rivertown Rebirth 2025 Master Plan & Request for Proposals*

In 2015, with the assistance of Arnett Muldrow & Associates, the City developed the Rivertown Rebirth 2025 Master Plan which was the centerpiece to the City's Downtown Development District (DDD) application. The downtown master plan proposed a mixed-use development along the southern banks of the Mispillion River between Washington Street and the Memorial Park bridge called RiverPlace (see page 19 of the master plan). Several of the large-scale projects proposed in the downtown master plan were focal points of the City's DDD application to the State of Delaware in 2016, for which RiverPlace was identified as a Key Priority Project.

In 2017, the City solicited proposals for the development of this land along the Mispillion River in downtown Milford (see Exhibit A and Exhibit B for location). The purpose of the Request for Proposals (RFP) was to seek qualified developers to construct a mixed-use project consistent with the recommendations of the City's Downtown Master Plan. Around the same time, the City's Planning Commission and City Council developed the language for the C-2A Riverfront Development zoning category to promote these mixed-use development recommendations (see enclosed for copy of C-2A zoning code).

As a result of the RFP, staff received one land development proposal for a five-story mixed-use project with commercial on the first floor and forty (40) market rate apartment units above. The proposal included amenities for the residents, including a fitness center and rooftop terraces, and included two additional retail buildings along the Riverwalk. The proposal did not meet the height requirements under the C-2A zoning code. Additionally, the proposal lacked the requested scaled site plan drawings, floor plan dimensions, detailed work plan and schedule. Many of these were not provided because the developer believed the project site contained too many unknown variables that would have an effect on the eventual development of the site. These included the 100-year floodplain, a well-head protection area, and lands that are currently protected through the Delaware Trust Fund and Land Water Conservation Trust Fund. The developer was unsure of the exact footprint that was available for development and the City would need to work with DNREC and the federal government to relocate the protected lands in order to make the property viable for mixed-use development.

The developer made a presentation to the City's Economic Development Committee on April 24, 2017 (see enclosed minutes). The Economic Development Committee was amenable with moving forward with the Land Disposal Contract for the mixed-use development, but the project eventually stalled due to unanticipated costs associated with the open space conversion (approximately \$50,000 for archaeological studies and appraisals), the unknown of whether the conversion would be approved by the federal government and the developers need to focus on projects in Seaford, DE and Salisbury, MD.

As a result of stalled discussions, the City pivoted on its long-term vision for this property. In 2018, a “Downtown Roadmap Report” was prepared by Arnett Muldrow & Associates to assess the master plan implementation success and make new recommendations to enhance downtown redevelopment efforts. Appendix 7 of the Roadmap Report (see attached) proposed recreational enhancements on this property including a new playground, splash pad, public restroom, and an open-air pavilion that could be used during festivals and the farmer’s market. These recommendations for repurposing the Washington Street property for recreational use were made a part of the City’s Strategic Plan later that year.

### *Next Steps*

The site is impacted by a well-head protection area (Exhibit F) and the 100-year floodplain (Exhibit E). The City intends to discontinue the use of the existing well due to age and structural issues and any development of the property would need to adhere to the City’s floodplain ordinance either by elevating the structures or placing fill within the floodplain.

As shown on Exhibit G, the unprotected areas of the targeted development area is limited to 0.88 +/- acres of land. If additional land is needed to develop a proposal similar to what was shown on the Rivertown Rebirth Master Plan, the City would need to submit a land conservation conversion request to the State and Federal government. The conversion request would require us to identify replacement land that would offset the monetary and recreational value of the conversion site. Staff identified one of the business park lots adjacent to Silicato Memorial Park on E. Liberty Way as a possible replacement site. Additionally, any recreational amenities removed by the conversion would need to be replaced. Staff had recommended relocating the existing basketball court to the Franklin Street parks & recreation facility at the cost of the developer.

The conversion application requires sign-off from several State and Federal agencies, including US Fish and Wildlife, DNREC Fish & Wildlife, USDA NRCS, DNREC Delaware Coastal Management Program, DNREC Division of Water Resources and State of Delaware Historic Preservation Office. The City solicited letters from all State agencies back in 2018 and received a request from the State Historic Preservation Office to perform a Phase I Archaeological Study of the conversion site. Staff estimates this to cost approximately \$30,000 to complete. Depending on the findings of the study, the State Historic Preservation Office could sign-off on the conversion request or request additional studies.

In addition to the \$30,000 study, the City would have to perform appraisals on the conversion site and the replacement site to determine value. The cost of the appraisals would be approximately \$5,000.

Development on the Washington Street property would be controlled by City Council, including details related to cost, reimbursable expenses, architectural reviews, land uses, etc, all of which would be outlined in a Land Disposition Contract between the City and any developer.

**Staff is seeking guidance from City Council on whether to entertain land development proposals on the Washington Street property, and if so, to what extent, or whether City Council would like to keep the property as open space and explore other recreational amenities.**



MARK A. WHITFIELD, CITY MANAGER  
201 South Walnut Street  
Milford, DE 19963

PHONE 302.422.1111  
FAX 302.424.8394  
[www.cityofmilford.com](http://www.cityofmilford.com)

To: Mayor and Council  
From: Mark Whitfield, City Manager  
Subject: Washington Street Property Disposition  
Date: November 5, 2020

On October 12, 2020, Council heard a presentation from David Perlmutter for an apartment complex project on the City's Washington Street property next to the Riverwalk. Council tabled any action on the disposition of the property. At the October 26, 2020 Workshop Meeting, Council discussed the proposed development of the property, and whether to retain the property for future public use/public development.

Recommendation: I recommend Council deny the proposal for the development of the Washington Street property for mixed use development, and authorize staff to move forward with Downtown Roadmap Plan for public use of the property.



MARK A. WHITFIELD, CITY MANAGER  
201 South Walnut Street  
Milford, DE 19963

PHONE 302.422.1111  
FAX 302.424.8394  
www.cityofmilford.com

To: Mayor and Council  
From: Mark Whitfield, City Manager  
Subject: Kent Economic Partnership Agreement  
Date: November 5, 2020

The present Agreement between the City and the Kent Economic Partnership expired on October 31, 2020. As part of the Agreement, the City provides \$30,000 for services provided the Partnership related to Economic Development. The Agreement also provides for one seat on the KEP Board of Directors, presently filled by Councilperson Morrow. On October 12, Council voted not to renew the contract with KEP.

On October 26, 2020, the Mayor, Vice Mayor and City Manager met with Linda Parkowski and Greg Moore from KEP. Mr. Moore requested that Council reconsider their position on renewing the contract with KEP. Ms. Parkowski and Mr. Moore gave examples of on-going projects KEP is working on to bring jobs and businesses to Kent County. They also stated that while the process is slow, results will come over time.

Over the course of the last several years, the City has not seen any results from KEP in terms of new businesses or industries. While the process of providing results is slow, staff believe the \$30,000 may be better spent using a more local focus, rather than through a county-wide organization. The recently completed City staffing study identified the need for additional staffing and focus for City economic development activities.

**Recommendation:** Staff recommends Council reconsider entering into a new agreement with the Kent Economic Partnership with an appropriation amount.

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 17, 2020  
City Council Hearing: Monday, November 23, 2020

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford Planning Commission and City Council, with action scheduled to occur on the date(s) so indicated:

**ORDINANCE 2020-25**  
CHANGING ZONING DESIGNATIONS OF CERTAIN PROPERTIES  
IN ACCORDANCE WITH THE 2018 COMPREHENSIVE PLAN,  
AS AMENDED ON JULY 22, 2019

WHEREAS, Delaware Code, Title 22, Chapter 7 Planning Commission, Section 702 (c) Comprehensive Development Plan, states that the Comprehensive Plan shall be the basis for the development of zoning regulations and that within 18 months of the adoption of a comprehensive development plan or revision thereof, the municipality shall amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan; and

WHEREAS, the City of Milford adopted the City of Milford 2018 Comprehensive Plan on January 22, 2018 and amended such on July 22, 2019; and

WHEREAS, the City of Milford has prepared a map for the Comprehensive Rezoning 2020, showing recommendations to change zoning designations of specific properties so that the City of Milford Zoning Map is in accordance with the adopted 2018 Comprehensive Plan, as amended on July 22, 2019; and

WHEREAS, the City of Milford Planning Commission will consider the changes of zone application at a Public Hearing on November 17, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on November 23, 2020 to allow for public comment and further review of the ordinance.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Milford is amended by changing the zoning designations of specific properties as depicted on the series of maps entitled "City of Milford Comprehensive Rezoning 2020".

**SYNOPSIS:**

The proposed ordinance would rezone the below parcels as indicated in conformance with the 2018 Comprehensive Plan, as required by Delaware Code.

City of Milford  
401 NE Front Street  
Tax Parcel MD-16-183.07-01-65.00  
15.80 +/- acres  
Current Zone: I-1/Proposed Zone: R-3

Milford Pulmonary Associates LLC  
39 West Clarke Avenue  
Tax Parcel 1-30-3.08-026.00  
0.22 +/- acres

Current Zone: H-1/Proposed Zone: OB-1

Mallory & Samuel Alexander  
306 Lakeview Avenue  
Tax Parcel 1-30-3.08-007.00

0.39 +/- acres

Current Zone: H-1/Proposed Zone: OB-1

Ome Thilde LLC  
16 South DuPont Boulevard  
Tax Parcel MD-16-183.09-01-52.00

0.40 +/- acres

Current Zone: H-1/Proposed Zone: OB-1

Millman Family Ventures LLC  
31 Milford-Harrington Highway  
Tax Parcel MD-16-182.00-01-04.00

1.90 +/- acres

Current Zone: I-1/Proposed Zone: C-3

William Sipple & Son Inc  
300 South Rehoboth Boulevard  
Tax Parcel 3-30-7.17-269.00

1.23 +/- acres

Current Zone: I-1/Proposed Zone: C-3

Scott G & Jacque M Sipple  
0 Lovers Lane  
Tax Parcel 3-30-7.17-270.00

0.17 +/- acres

Current Zone: R-2/Proposed Zone: C-3

Don Ung Kang & Dong Sun  
200 South Rehoboth Boulevard  
Tax Parcel 3-30-7.13-001.00

0.76 +/- acres

Current Zone: I-1/Proposed Zone: C-3

Mauil Properties LLC  
201 South Rehoboth Boulevard  
Tax Parcel 3-30-7.13-002.00

4.18 +/- acres

Current Zone: I-1/Proposed Zone: C-3

Henry S Mast  
910 Lakeview Avenue  
Tax Parcel 1-30-3.11-051.00

0.59 +/- acres

Current Zone: R-1/Proposed Zone: C-3

Henry S Mast  
0 Seabury Avenue

Tax Parcel 1-30-3.11-052.01

0.29 +/- acres

Current Zone: R-1/Proposed Zone: C-3

Planning Commission Review & Public Hearing: November 17, 2020

City Council Introduction: November 9, 2020

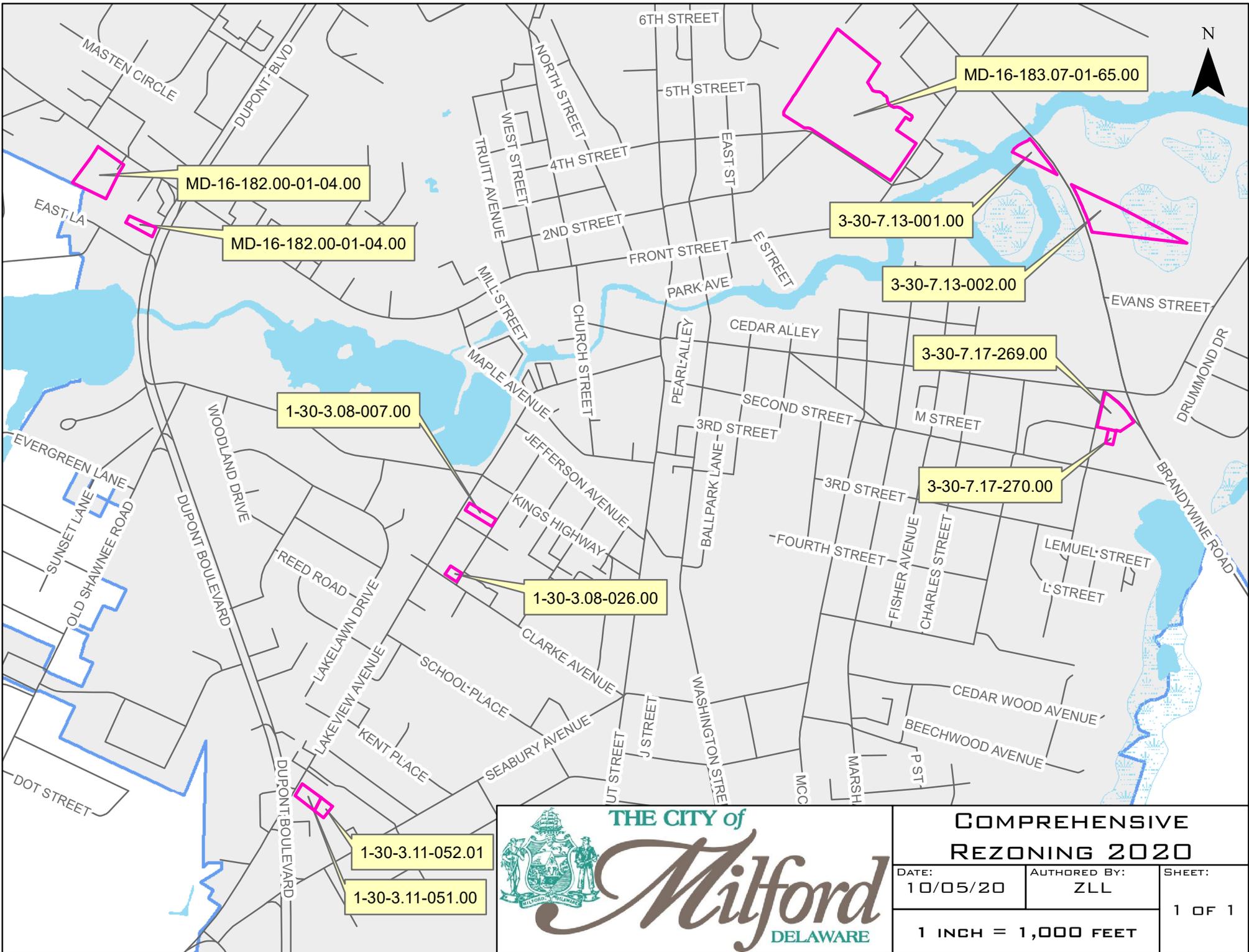
City Council Review & Public Hearing: November 23, 2020

Adoption: November 23, 2020

Effective: December 3, 2020

This ordinance shall take effect and be in force ten days after its adoption.

Advertised: *Beacon 10/28/20*



**COMPREHENSIVE  
REZONING 2020**

DATE: 10/05/20	AUTHORED BY: ZLL	SHEET: 1 OF 1
1 INCH = 1,000 FEET		

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 17, 2020  
City Council Hearing: Monday, November 23, 2020

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford Planning Commission and City Council, with action scheduled to occur on the date(s) so indicated:

**ORDINANCE 2020-26**

Davis, Bowen & Friedel on behalf of Milford Ponds LLC for a Final Major Subdivision (Phase II Only) of 28.06 +/- acres into 89 single family units in R1, R2, and R3 Zoning Districts. Property is located along Patchwork Drive and Round Robin Drive in the Milford Ponds Subdivision, Milford, Delaware. Present Use: Subdivision known as Milford Ponds; Proposed Use: Same. Tax Map: 1-30-3.00-264.01, 1-30-3.00-558.00, 1-30-6.00-600.00 through -691.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Final Major Subdivision (Phase II Only); and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on November 17, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on November 23, 2020 to allow for public comment and further review of the ordinance.

Dates.

Planning Commission Review & Public Hearing: November 17, 2020

City Council Introduction: November 9, 2020

City Council Public Hearing: November 23, 2020

Effective: December 3, 2020

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon, 10/28/20*



MARK A. WHITFIELD, CITY MANAGER  
201 South Walnut Street  
Milford, DE 19963

PHONE 302.422.1111  
FAX 302.424.3553  
www.cityofmilford.com

To: Mayor and Council  
From: Mark Whitfield, City Manager  
Subject: Authorization for New Position  
Economic Development & Community Engagement Administrator  
Date: November 4, 2020

Council has expressed an interest in creating a stronger economic development internal City focus. Additionally, the City also has a need for emphasis on community engagement, public information and marketing. Since both disciplines are somewhat related, it is proposed to create the position of Economic Development & Community Engagement Administrator. The Human Resource Administrator researched several cities within Delaware, and found similar positions. Additionally, Seaford has a position which is nearly identical to the position being proposed. Based on comparisons with other communities, the salary for the position would be a Grade 12 on the pay scale (\$72,260 min - \$124,238 max).

Attached with this memo is a draft job description outlining the duties for the proposed position.

Funding for the position can be accomplished in several ways. Council may consider funding through the City's limited or partial participation in the Kent Economic Partnership (\$30,000) and Downtown Milford Incorporated (\$45,000).

The present 2021 Budget included a full time ICMA Fellow beginning in January. However, we have discovered a very limited pool of applicants, with no applicants from University of Delaware. A few weeks ago, I was contacted by the City of Lewes to share an ICMA Fellow again, beginning in June 2021. Holding off to fill a part-time position would free up \$35,000 in the 2021 Budget.

The present 2021 Budget also includes about \$60,000 for the duplication of a Finance Director for 2020-21. Because this is not a reoccurring expense, \$60,000 would be available for future funding of the position.

**RECOMMENDATION:** I recommend Council discuss the proposed position and funding options. If agreeable, I recommend Council authorize the position of Economic Development & Community Engagement Administrator with no change to the 2021 Budget.



City of Milford  
Economic Development and Community  
Engagement Administrator  
Pay Grade: G12

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**Employment Status:** Full-Time

**FLSA Status:** Exempt

**Experience Required:** Minimum of five years of progressively responsible experience in marketing, public relations, business, planning, community development, economic development or related field. American Institute of Certified Planners (AICP), Certified Economic Developer (CECD), or Economic Development Finance Professional (EDFP) is preferred. NIMS (National Incident Management System) ICS-100, ICS-200, ICS-300, FEMA IS-700 and FEMA IS-800 training. Possession and retention of a valid motor vehicle operator's license issued by the State of Delaware is required. Must pass pre-employment testing for substance abuse, criminal background, motor vehicle driver's license history, and a pre-employment physical. Subject to random drug and alcohol testing in accordance with City policy.

**Minimum Education Requirements:** Bachelor's degree in marketing, public relations, business, public administration, planning or related field.

**Direct Supervisor:** City Manager

**Supervisory Responsibility:** N/A

**Primary Work Location:** Office setting

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**Job Summary:** The Economic Development and Community Engagement Director is responsible for planning, directing, and administering comprehensive economic development and business assistance programs for the City. The Economic Development and Community Engagement Director also works closely with the business community/civic organizations and serves as the City's designated Public Information Officer.

The Economic Development and Community Engagement Director shall be committed to the mission, vision and values of the City and demonstrate such through ethical conduct, community stewardship, individual initiative and responsive service. The Economic Development and Community Engagement Director shall demonstrate leadership, management and technical skills through effective communication and collaboration, proper use of team resources, progressive decision-making, personal accountability and responsibility.

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**Supervision Received:** Work is performed under the general supervision of the City Manager.

**Essential Job Functions:**

An employee in this position may be called upon to do any or all of the following essential duties:

- A. Maintains the City website, including Economic Development information.
- B. Serves as the Public Information Officer for the City.
- C. Develops a marketing plan for the City of Milford as Rivertown, Art Town, Home Town
- D. Acts as a liaison between businesses and developers with City staff to overcome obstacles and hurdles.
- E. Develops and promotes Specific Economic Development Incentive Programs (SEDIPs) as approved by City Council.
- F. Develops a marketing plan to target specific businesses and cold calls particular entities to promote business opportunities in Milford.
- G. Develops relationships with and responds to inquiries from site selectors considering Milford.
- H. Coordinates with the Public Works Department and Customer Service Division to develop brochures for utility services for new and existing customers.
- I. Coordinates with relevant City Departments in responding to diverse requests from the business community.



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- J. Issues news releases pertaining to City activities and events.
- K. Develops an Economic Development Plan to be incorporated into the City's Comprehensive Plan and Strategic Plan.
- L. Surveys businesses in the region and provides regular updates to those businesses.
- M. Develops a business retention plan to assist businesses with their daily operations and struggles.
- N. Develops a relationship and communicates on a regular basis with members of the media.
- O. Markets the City's economic development opportunities.
- P. Acts as a liaison with corporations and small businesses to continue to make Milford a business-friendly community.
- Q. Applies for and administers grants to improve Milford's position for economic growth.
- R. Collaborates closely with Downtown Milford Incorporated, Greater Milford Chamber of Commerce, Delaware Prosperity Partnership, Delaware Division of Small Business, Kent Economic Partnership, Sussex County Economic Development Office, Kent County Association of Realtors and Sussex County Association of Realtors to promote Milford and respond to companies interested in locating or expanding in the City.
- S. Evaluates zoning and land development regulations and makes recommendations for policy changes.
- T. Develops and maintains a relocation package for people considering becoming a resident of Milford.
- U. Addresses stakeholder complaints, questions, and ideas; responds to requests for information or explanation of ordinances.
- V. Serves as a liaison with the economic development community and various organizations to address issues and challenges in a changing economic climate.

**Essential Functions, Qualifications, & Knowledge, Skills, and Abilities (KSA) for Employment:**

An employee in this class must have the following knowledge, skills, and abilities upon application:

**Knowledge**

- ✓ Principles and practices of government organizations and applicable law, theory and applications; local government structure and operation, including budgetary procedures.
- ✓ Research methodology and statistics, modern management practices; financial management, banking and real estate practices.
- ✓ Community development projects, policies and procedures.
- ✓ Grant writing, research and budget development.
- ✓ Redevelopment laws and processes; local government revenue sources and tax increment financing.

**Skills**

- ✓ Time management.
- ✓ Multi-tasking.
- ✓ Communication- able to understand written and oral communication.
- ✓ Public relations; making presentations and writing reports.



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**Abilities**

- Establish and maintain effective working relationships with citizens, business owners, developers, financiers and other government agencies.
  - Adherence to all applicable Federal and State safety laws, rules and regulations and City safety policies/procedures.
  - Comprehend community growth patterns, trends in land use and community needs to promote sustainable community development.
- 
- I have read the job description for my position. I understand and accept the requirements as stated.
  
  - I have read the job description for my position. I would like to have a second review of the job description with my manager and human resources.

City Manager: \_\_\_\_\_

Employee: \_\_\_\_\_

Human Resources Administrator: \_\_\_\_\_



The governing body has recessed to Executive Session. The regular meeting will resume shortly.