



Milford City Hall Council Chambers 201 South Walnut Street Milford DE 19963

CITY COUNCIL AGENDA Monday, March 14, 2022

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ®. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.

All written public comments received prior to the meeting will be read into the record.

*This meeting is also available for viewing by the public by accessing the following link:
<https://zoom.us/j/99156131279>*

*Members of the public may also dial in by phone using the following number:
Call 301 715 8592 Webinar ID: 991 5613 1279*

7:00 P.M. COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Introduction/New City Employees

Staff Reports

Monthly Police Report

City Clerk Report

Monthly City Manager Report:

Public Works Department

Planning & Zoning Department

Parks & Recreation Department

Human Resources

Economic Development & Community Engagement

IT Department

Finance Department

Draft FY21 Audit/Update^{2 3}

Ward Reports & Communications

Correspondence

DEMEC/Renewable Portfolio Standard Plan
Sussex County RTT Funding

Unfinished Business

None

New Business

Funding Authorization/Vehicle Purchase/Water Department W-8¹

Ordinance Introduction:

Ordinance 2022-11

Lands of Cypress Hall Residential – Phase III

91.69 +/- acres of land located on the west side of Route 113 approximately 3,100 feet south of Shawnee Road intersection

Application Type: Revised Planned Unit Development

Preliminary Major Subdivision

Comprehensive Plan Designation: Moderate Density Residential

Zoning District: R-3

Present Use: Vacant

Proposed Use: Planned Unit Development

Tax Parcel: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Ordinance 2022-12

Lands of Buccaneer Carwash

0.989 +/- acres of land located along the east side of N. Dupont Boulevard and the west side of N. Walnut Street

Application Type: Revised Conditional Use Preliminary Site Plan

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present Use: Carwash

Proposed Use: Carwash

Tax Parcel: MD-16-174.14-01-16.00

Ordinance 2022-13

Lands of Halpern Family Series, LLC – Teal Creek on behalf of Teal Creek Plaza

5.04 +/- acres of land located along the west side of N. Dupont Boulevard approximately 125 feet south of Rogers Drive

Application Type: Preliminary Conditional Use Site Plaza

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway/Commercial District)

Present Use: Shopping Center & Vacant Land

Proposed Use: Shopping Center

Tax Parcel: MD-16-174.17-01-26.00 & 27.02, MD-16-183.05-01-01.00

Ordinance 2022-14

Amending Chapter 197 Streets & Sidewalks

The Code of the City of Milford is hereby amended to repeal in its entirety, the current version of the Chapter 197, entitled Streets and Sidewalks. A new Chapter 197, entitled Streets, Sidewalks, Storm Sewers, and Other Public Places

Ordinance 2022-15

Amending Chapter 230-Zoning Code

An Ordinance to amend Article III - Use and Area Regulations of Chapter 230 – Zoning Code of the Cit of Milford. Chapter 230 is hereby amended by adding a new subsection § 230-19.10 entitled Wireless Communication Facilities

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.**

® *Designated Items only; Public Comment, up to three minutes per person will be accepted.*

102021 123021 022322 030122

¹ 031022 Amended/Informed of Correct Department

² 031022 Late addition by Finance Director Item Removed; Item Removed by Planning Director

031422 Item Removed by Police Chief

Order of Funding Authorization Moved Up

³ Late Correction by Finance Director/Fiscal Year Corrected from FY22 to FY21



The background of the image is a stylized American flag with a dark blue field of white stars on the left and red and white horizontal stripes on the right. The flag is set against a dark grey background.

The Pledge of Allegiance

I pledge allegiance to the flag
of the United States of America,
and to the republic for which it stands,
one nation under God,
indivisible, with liberty and justice for all.

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 17, 2021

A Budget Review Hearing of the Milford City Council was held on Zoom on Monday, May 17, 2021.

PRESIDING: Mayor Archie Campbell

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

ABSENT: Councilperson Katrina Wilson

STAFF: City Manager Mark Whitfield, I.T. Director Dale Matthews, Parks and Recreation
Director Brad Dennehy, and Finance Director Lou Vitola

City Manager Mark Whitfield provided introduction and a brief overview of the budget.

Council discussed the tax increase of 6.5 cents per thousand dollars of assessed value.

Finance Director Lou Vitola presented a summary of the budget and budget process.

Finance Director Lou Vitola presented a summary of Revenues.

Finance Director Vitola also presented a summary of the Finance budget and the Customer Service budget requests.

I.T. Director Dale Matthews presented a summary of the I.T. budget request.

Parks and Recreation Director Brad Dennehy presented a summary of the Parks and Recreation budget request.

Finance Director Lou Vitola presented a summary of the Equipment Replacement Reserves section of the proposed budget.

Finance Director Vitola presented a summary of the Capital Budget.

The meeting concluded 9:16pm.

Respectfully submitted,

Melody Barger
Local Government Management Fellow



MILFORD CITY COUNCIL
MINUTES OF MEETING
May 19, 2021

A Budget Review Hearing of the Milford City Council was held on Zoom on Monday, May 19, 2021.

PRESIDING: Mayor Archie Campbell

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

ABSENT: None

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown, Planning Director
Rob Pierce and Finance Director Lou Vitola

City Manager Mark Whitfield presented the City Administration budget proposal.

Mr. Whitfield also presented the budget proposal for the City Council.

Planning Director Rob Pierce presented the budget proposal for the Planning Department.

Police Chief Kenneth Brown presented the budget proposal for the Police Department.

Finance Director Lou Vitola presented the budget draft of the Reality Transfer Tax Fund.

The meeting concluded that evening.

Respectfully submitted,

Melody Barger
Local Government Management Fellow



MILFORD CITY COUNCIL
MINUTES OF MEETING
May 20, 2021

A Budget Review Hearing of the Milford City Council was held on Zoom on Monday, May 20, 2021.

PRESIDING: Mayor Archie Campbell

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

ABSENT: None

STAFF: City Manager Mark Whitfield, Public Works Director Mike Svaby, and Finance
Director Lou Vitola

Public Works Director Mike Svaby presented the proposed budget for Public Works.

Finance Director Lou Vitola presented the proposed budget regarding Reserve Funds.

The meeting ended.

Respectfully submitted,

Melody Barger
Local Government Management Fellow



MILFORD CITY COUNCIL
MINUTES OF MEETING
June 7, 2021

A Budget Review Hearing of the Milford City Council was held on Zoom on Monday, June 7, 2021.

PRESIDING: Mayor Archie Campbell

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

ABSENT: None

STAFF: City Manager Mark Whitfield and Finance Director Lou Vitola

City Manager Mark Whitfield addressed changes in the budget since previous meetings.

Finance Director Lou Vitola described changes to the budget since the last meeting in detail.

The Councilmembers expressed gratitude and pleasure related to the budget process.

The meeting ended.

Respectfully submitted,

Melody Barger
Local Government Management Fellow



CITY OF MILFORD
COUNCIL MEETING MINUTES
November 22, 2021

The City Council of the City of Milford met in Regular Session on Monday, November 22, 2021, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Todd Culotta, Brian Baer, Nirmala Samaroo, 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

ABSENT: Councilmember Andrew Fulton

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council met in a hybrid format.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:27 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

*Ordinance 2021-23
KD Properties, LLC for a Conditional Use
0.27 +/- acres of land located along the West side of
N. Washington Street between NE Sixth Street and NE Seventh Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Vacant
Proposed Use: Single-family Semi-detached
Tax Parcel: MD-16-183.06-03-31.02*

Planning Director Pierce read the reports in the packet adding that the applicant proposes to construct the single family semi-detached dwelling on the property as shown in the packet according to Chapter 230-10(C)(1). Semi-detached dwellings are considered a conditional use subject to City Council approval. The public notice was published in the Milford Beacon on October 13, 2021 and all property owners within 200 feet of the subject parcel were mailed a copy.

He then referenced the various documents in the packet. There is one revision and the applicant does intend to subdivide the lot through the administrative minor process which will create two fee simple lots that meet the area requirements. That provides the flexibility to sell one off or retain both.

This application was reviewed by the Planning Commission at the November 16, 2021 meeting where they made a recommendation of approval by a vote of six to zero.

It was confirmed the applicant is building a single-family semi-detached dwelling/duplex.

The site plan shows a garage on the front of each dwelling with 2.5 parking spaces provided for each unit.

It was confirmed that no one spoke or submitted any written comments against the application.

David Miller of KD Properties was present to present the application. He said they have an opportunity and are doing other projects. Part of his objective and goal is to create additional residential units because housing is very limited right now. He noted it will contain two bedrooms and two baths, single level units.

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

Councilman Boyle moved to adopt Ordinance 2021-23 allowing a conditional use for KD Properties, LLC of 0.27 +/- acres of land located along the West side of North Washington Street between Northeast Sixth Street and Northeast Seventh Street, seconded by Councilman Culotta..

Motion carried by the following unanimous roll call vote of 8-0:

Marabello: Vote yes, based on the need for additional housing and it was approved by the Planning Commission six to zero.

Boyle: Votes yes for the same reason, plus the fact it provides a little more affordable housing in that area.

Culotta: Votes yes, for the same reasons.

Samaroo: Votes yes because it provides additional housing in those areas.

Baer: I vote yes and think it's a great project and look forward to some more housing near our downtown.

James: I vote yes and it is a suitable project.

Wilson: Yes for the same reasons stated by other Councilmembers.

Ordinance 2021-24

Application of Atlantic Self Storage Associates, LLC for the Final Minor Subdivision/Lot Line Adjustment of 5.4 +/- acres of land located in an I-1 (Limited Industrial) District,

along the south and west side of East Masten Circle, addressed as 851 and 861 East Masten Circle.

Present and Proposed Land Use is Self-Storage & Vacant Land.

Tax Map & Parcel MD-16-183.00-01-07.00 (2.6 acres) and MD-16-183.00-01-08.00 (2.8 acres)

Director Pierce again read the application into record. He noted this is a final minor subdivision/lot line adjustment approval. He said because it did not meet the standards for an administrative review, it had to be brought before the Planning Commission and City Council. In addition, the applicant will need a waiver from certain requirements of the subdivision ordinance to accomplish the lot line adjustment.

The applicant is the owner of lots two and four within the West Milford Industrial Park behind McDonald and the Big Lot Shopping Center. Lot two was developed for self-storage in the late 1980s and there appears to be an expansion of the self-storage use on the lot for some time in the late 1990s or early 2000s. The properties were never consolidated into one property when that occurred, and it created a nonconformity with parts of the one mini storage building that extends across the property line.

The applicant is proposing to adjust the boundaries for the two properties to entirely encompass the self-storage on lot two.

Chapter 200 and provided some administrative privileges or approval privileges for the Planning Department which are outlined in the staff report. Subsection C states the adjusted lot line needs to be approximately parallel with the original lot line.

Chapter 200 also states side lot lines for subdivisions need to be at right angles or radial to the street line. The survey will show why it does not meet either of these requirements.

Staff seeking a decision from Council on whether to approve the lot line adjustment and grant the waiver of Chapter 200-8(E)(7).

The survey shows a dashed line down the middle, which is the original configuration of lots two and four. The northeastern storage building begins slightly on lot two and continues the entire full length of lot four to the rear.

The applicant is seeking permission to make a minor adjustment to the bolted line shifting slightly south, but also separating off the back of lot four, so the mini storage building is entirely on lot two. Because the lot is an odd-shaped property, it does not meet the standards in the administrative section of the minor subdivision/lot line adjustment section of the ordinance and is not radial or perpendicular to the roadway.

The applicant provided a brief narrative in the packet for Council review.

The hearing was properly noticed in the Delaware State News on October 27, 2021 and mailed to property owners within 200 feet of both subject parcels. The Planning Commission recommended approval of both the lot line adjustment and the waiver request by a vote of six to zero at their November meeting.

It was confirmed there is one line adjustment of just under four feet, but the rear adjustment will extend 330 feet from the existing side lot line due north, creating that panhandle shaped piece at the bottom. That would then become part of the mini storage lot. This would allow the mini storage to be on one parcel and the residual 2.3 acres of lot four could be developed in the future and creates an oddly shaped parcel.

There is a section on the rear of lot four that would have to be conveyed and consolidated into lot two.

Wayne Hodge, of 37021 Rehoboth Avenue Extended, Rehoboth Beach, participated virtually stating he is the Office Manager for Atlantic Self-Storage and the Personal Manager for Glenn Thompson who owns property. The property address is 851 East Masten Circle, Milford.

He explained they will never expand the storage facility and simply want to be able to sell that lot. When they purchased it, the previous owners built the storage building across the property line and never made one property. The storage buildings are made of metal and cannot be altered. There is no way to cut part of that off and the reason they want to extend that onto their property. The units are 80% rented and this will allow them to sell the other lot to build what they want at that site.

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

Councilmember Marabello moved to adopt Ordinance 2021-24, Atlantic Self-Storage Associates LLC application for the final minor subdivision/lot line waiver as presented, seconded by Councilmember Samaroo.

Motion carried by the following unanimous vote:

Marabello: I approve it, based on the Planning Commission's recommendation of six to zero and it does not have any adverse impact in that area. It is also within the 10% adjustment of the combined affected area.

Boyle: Vote yes it makes sense in view of what has already happened on that property and the remaining property is large enough to resell in the industrial park.

Culotta: Votes yes based on Planning.

Samaroo: Votes yes based on the recommendation of the Planning Commission.

Baer: Votes yes, based on the recommendation of the Planning Commission.

James: Votes yes as a proper remedy for a prior oversight and based on Planning and Zoning recommendation.

Wilson: I vote yes, based on the Planning Commission's recommendation and it just makes sense.

COMMUNICATIONS & CORRESPONDENCE

DMI Basket Replanting

Councilmember Marabello announced that DMI planted greens in all the former flower baskets downtown and approximately 30 to 40 people participated.

Second Street Players

The theater will be opening its annual Christmas show entitled 'It's a Wonderful Life' that will play the next two weekends.

Milford Armory Community Center

Councilmember Wilson shared that tomorrow the Elevated Community Development Corporation at Milford Armory is giving out “Thanksgiving in a Box” and encouraged the public to participate.

Milford Post Office

Mayor Campbell continues to receive complaints about the problem with residents not receiving their mail daily and, in some cases, several days. A few residents have met with the local postmaster to no avail.

UNFINISHED BUSINESS

Adoption/Resolution 2021-20/City Bicycle Plan

It was noted that earlier this evening, City Council was provided with a summary of the Bicycle Master Plan update. With the assistance of an advisory group, the Bicycle Master Plan Steering Committee is recommending the adoption of the plan through Resolution 2021-20.

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

Councilmember Boyle moved to adopt Resolution 2021-20, City Bicycle Master Plan, seconded by Councilmember Culotta:

RESOLUTION 2021-20

WHEREAS, the City Council of the City of Milford has found that it is in the best interest of the City of Milford, its residents, visitors, and business community to promote cycling and the planning of adequate bicycle infrastructure; and

WHEREAS, the Planning Department of the City of Milford was awarded a non-matching planning grant from the State of Delaware Department of Transportation to update the City’s 2011 Bicycle Master Plan; and

WHEREAS, the City of Milford, State of Delaware Department of Transportation and Century Engineering, Inc. led a master planning effort engaging residents and community stakeholders during several planning sessions between October 2019 and October 2021; and

WHEREAS, the planning sessions were used to discuss the condition of existing bicycle infrastructure, identify key destinations, identify gaps and impediments in the existing bicycle network and make recommendations on proposed route locations and bicycle infrastructure types; and

WHEREAS, the 2021 Milford Bicycle Master Plan update, presented to City Council on November 22, 2021, provides priorities for bicycle transportation improvements to create a dynamic, active transportation system composed of trails, roads and paths that is inclusive, safe, and functional for all levels of recreation and commuting while increasing economic vitality in Milford.

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

The 2021 Milford Bicycle Master Plan, as presented during a regular session of City Council, has been reviewed and is officially adopted by the City of Milford, Delaware.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 22nd day of November 2021.

Motion carried with no one opposed.

Authorization/Funding/Salary Enhancement

The City Manager shared that Council received the report on the update to the City's pay plan. If the pay plan was approved and effective on December 10, 2021 payroll, through the end of the fiscal year or July 31, 2022, the cost would be roughly \$140,000.

However, due to staff vacancies, combined with significant savings in health care premiums, that amount has been reduced to about \$110,000 with the help of the City Accountant and the Finance Director. They have evaluated each impacted budget. Many of the budgets can absorb the increase with no additional funds needed and partial support by other departments. The financial analysis shows that \$13,765 is required from each the water and the sewer reserves, with \$30,810 needed from the general fund reserve for a total budget transfer of \$58,340.

The IBEW employees, while they were in the scope of the study are not included in the page adjustments. We do have a wage reopener with that union starting on July 1, 2022.

In addition, the Police Chief, City Clerk, and the City Manager, being contract employees, were excluded from any page adjustments.

Councilmember James moved to authorize a transfer of \$15,100 from the finance operating budget, \$36,325 from the IT operating budget and \$30,810 from general fund reserves, and allocating that \$82,235 to eligible personnel in the planning department (\$20,275), police (\$18,910), administration (\$17,900), streets (\$11,300) and parks and recreation (\$13,850) and authorize the transfer of \$27,530 or \$13,765 from both water and sewer reserves and apply funds equally to the personnel salary line item in the water and sewer departments. Motion seconded by Councilmember Samaroo. Motion carried with no one opposed.

Appointment/Board of Adjustment Vacancy

Planning Director Pierce reported that he has received several applicants and has interviewed them, along with Mayor Campbell.

He is recommending the following applicant fill the Board of Adjustment vacancy:

Board of Adjustment

Applicant Name: Ronald Rizzo

Street Address: 19644 Drummond Drive

Councilman Boyle moved to appoint Ronald Rizzo to the Board of Adjustment, seconded by Councilman Baer. Motion carried with no one opposed.

Appointment/Planning Commission Vacancy

Director Pierce is also recommending the following applicant fill the Planning Commission vacancy:

Planning Commission

Applicant Name: Jim Purcell

Street Address: 102 Kings Highway

Councilman Culotta moved to appoint Jim Purcell as a member of the Planning Commission, seconded by Councilmember James. Motion carried with no one opposed.

NEW BUSINESS

Ratification/Greater Milford Boys & Girls Club Agreement

P&R Director Brad Dennehy presented the proposed agreement for Council review.

He noted that the City of Milford has been in partnership with the Boys and Girls Club since the inception of the club at its current location on Airport Road. As such Parks and Recreation has had an agreement with the Club to rent space to run youth sports and other programming. Renting this space at the Club is vital for our programming as Parks and Recreation does not have its own indoor recreation facility.

Every three years the agreement has been reviewed and several minor tweaks have been made this year by his staff who have met and discussed those changes with the Club Director. There has been no increase in the amount the Club charges for use of their facility, which is budgeted as a Parks and Recreation line item and is included in our annual operating budget.

Director Dennehy confirmed that in 2020, the gym was used for almost 237 hours or the 250 in the agreement, despite the Covid situation. Milford was the only P&R Department in the State of Delaware to offer an indoor basketball league. He said several media outlets covered the season, including the News Journal, who kept in close contact to see how it worked out.

Mr. Dennehy said the agreement allows an overage of 250 hours based on the program and availability of the gym.

Solicitor Rutt confirmed that he had reviewed the agreement during his packet review.

Councilwoman Wilson moved to ratify the Boys and Girls Club and Parks and Recreation agreement, seconded by Councilman James. Motion carried.

Adoption/Resolution 2021-21/Elected Officials/Life Insurance Benefits

City Manager Whitfield said the recent Pay and Compensation Study included Mayor and Council pay, as well as any type of benefits afforded other municipal elected officials. Several municipalities provide life insurance policies for their elected and the following resolution provides the benefit to elected officials.

The resolution calls for the Mayor to receive a benefit of 1.5 times their annual salary compared to Councilmembers receiving a benefit of \$10,000. Councilman Marabello then pointed out that the Mayor would receive a lesser amount of \$7,200 compared to \$10,000 for councilmembers. He suggested it be changed to at least \$10,000.

City Manager Whitfield suggested changing the resolution to a minimum of \$10,000 for the Mayor.

The floor was open for public comment. No one responded and the floor was closed.

Councilmember Marabello moved to adopt Resolution 2021-21 authorizing a Life Insurance Benefit for Mayor and Council as adjusted to a minimum of \$10,000 for the Mayor in consideration of the amount the Councilmembers are receiving, seconded by Councilmember James:

RESOLUTION 2021-21
AUTHORIZING A LIFE INSURANCE BENEFIT FOR MAYOR & CITY COUNCIL

WHEREAS, the City of Milford Charter, Article 4.03, states the Mayor and Council 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; and

WHEREAS, the death of a member of City Council does create an undo-hardship to the Councilmember's family; and

WHEREAS, A resolution is required to establish a benefit for the Mayor and Council of the City of Milford.

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

Section 1. The Mayor shall receive life insurance coverage at the rate of 1.5 times their annual salary, or a minimum of \$10,000, whichever is the greatest.

Section 2. Members of the City Council shall receive life insurance coverage in the amount of \$10,000.

Section 3. Duly adopted, as amended, this 22nd day of November 2021 by the City Council of the City of Milford, Delaware, 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.

Adoption/Resolution 2021-22/Election Workers/Salaries

City Manager Whitfield explained this will officially set the pay for workers at our City elections and referendums. Both Kent and Sussex County election workers' pay was considered and is now comparable under this formal resolution.

The floor was opened to public comment; no one responded and the floor was closed.

Councilmember James moved to adopt Ordinance 2021-22, seconded by Councilmember Wilson:

RESOLUTION 2021-22
City of Milford Poll Workers' Salaries

WHEREAS, the City of Milford Charter mandates an annual municipal election to elect a Mayor and City Councilmembers, based on staggered two-year terms of office; and

WHEREAS, there is a need from time to time to hold special elections and referendums for certain annexations, city council vacancies, borrowing scenarios, and other reasons as governed by the Charter and Code of the City of Milford and/ or authorized by City Council; and

WHEREAS, over the past few years, we have seen the critical role our election workers have and how stressful the job can be; and

WHEREAS, these dedicated individuals sacrifice their time to help ensure all qualified persons have a meaningful voice in the democratic system; and

WHEREAS, these workers have been in short supply in recent years resulting in the need to ensure proper compensation is received for the rigorous work they do; and

WHEREAS, this measure will aid in retaining and hiring experienced poll workers to ensure City elections continue to be conducted fairly and efficiently.

NOW, THEREFORE, BE IT RESOLVED:

Poll Workers, including Non-City and City Employees, shall be paid based on the job they perform on Election Day and any associated training as determined in the following table:

	Normal Work Day			Saturday	
	Non-City Employee	City Employee Exempt	City Employee Non-Exempt	City Employee* Exempt	City Employee Non-Exempt
Board of Elections	\$240	\$0	hourly rate + OT over 8 hours	\$240	1.5 x hourly rate
Judges	\$200	\$0	hourly rate + OT over 8 hours	\$200	1.5 x hourly rate
Clerks	\$200	\$0	hourly rate + OT over 8 hours	\$200	1.5 x hourly rate
Training	\$50	\$0	hourly rate + OT over 8 hours	\$50	1.5 x hourly rate

*Exempt City Employees that have election responsibilities as part of job description are ineligible for pay.

Motion carried.

Introduction/Ordinance 2021-25/Amendment to Chapter 63/Elected Officials/Salaries & Compensation

City Manager Whitfield introduced the following ordinance related to salary adjustments for Mayor and City Council:

ORDINANCE 2021-25
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 63-SALARIES AND COMPENSATION
PART II – GENERAL LEGISLATION

WHEREAS, Article 4.03 of the City of Milford Charter states “The City Council may determine the annual salary of Councilmembers and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least 6 months. Councilmembers and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office, in accordance with a policy established by City Council by Resolution”, and

WHEREAS, Section 63-2 of the Code of the City of Milford establishes the salaries of Council and Mayor, and

WHEREAS, the Mayor and City Councilmembers of the City of Milford members provide a positive service that is invaluable to the continued progress of our City; and

WHEREAS, in recognition of the increased obligations in the positions of Mayor and City Council, there is a desire to modify the amount of compensation due to the Mayor and City Councilmembers; and

WHEREAS, from time to time, there is a need to adjust the salaries of those officials elected as Mayor and City Councilmembers; and

WHEREAS, it is appropriate those salaries be adjusted on an annual basis to align with rising costs; and

WHEREAS, the City Council's last adjustments to the salary compensation for the Mayor and City Councilmembers of the City of Milford occurred in January 1998; and

WHEREAS, City Council accepted public comment prior to adopting the Ordinance on December 13, 2021.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 63-2 of the Code of the City of Milford, entitled Salaries and Compensation, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text as new matter:

- A. Each City Council member shall receive a salary of ~~\$50~~ \$100 per meeting.
 - (1) The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.
- B. The Mayor shall receive a salary of ~~\$400~~ \$600 per month.
 - (1) The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.

Section 2.

City Council Introduction: November 22, 2021

City Council Review & Final Determination: December 13, 2021

Effective: January 1, 2023

Section 3. This ordinance is effective January 1, 2023, a later date than is permitted by Article 4.03 of the City of Milford Charter. Said salary adjustments shall begin with first payroll following the July 1, 2023 date.

Introduction/Ordinance 2021-26/Amendment to Chapter 57/Planning Commission/Salaries & Compensation

City Manager Whitfield introduced the following ordinance:

ORDINANCE 2021-26
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 57-PLANNING COMMISSION

WHEREAS, the City of Milford Planning Commission was created pursuant to 22 Del. C. § 701 et seq.; and

WHEREAS, the Planning Commission is a body of citizens that play a crucial role in shaping the future of the City and acts as an advisory group to City Council to develop plans and implement policies that affect the manner in which Milford changes in growth and development; and

WHEREAS, from time to time, there is a need to adjust the compensation of those that devote so much of their time to considering matters that require the review and evaluations of land use and development issues; and

WHEREAS, Chapter 57, §57.5, establishes salaries of the Planning Commission; and

WHEREAS, it is appropriate those salaries be adjusted on an annual basis to align with rising costs and increasing responsibilities; and

WHEREAS, City Council accepted public comment prior to adopting the Ordinance on Monday, December 13, 2021.

WHEREAS, Section 4.10 Effective Date, states 'Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten days after adoption, at any later date specified therein, or as provided by State law'.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §57.5 Salaries and Compensation, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text as new matter:

Each member of the Commission shall be paid \$50.00 ~~\$75.00~~ per regular or special meeting s/he attends, and may be reimbursed for actual expenses incurred in the connection with their official duties.

Section 2. The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.

Section 3. Dates.

City Council Introduction: Monday, November 22, 2021

City Council Review & Final Determination: Monday, December 13, 2021

Section 4. Effective Date. This ordinance is effective January 1, 2023

Introduction/Ordinance 2021-27/Amendment to Chapter 230/Board of Adjustment/Salaries & Compensation

City Manager Whitfield introduced the following ordinance, that will need to go through the official zoning code amendment public hearing process before the Planning Commission and City Council:

ORDINANCE 2021-27
CODE OF THE CITY OF MILFORD

PART II – GENERAL LEGISLATION
CHAPTER 230-ZONING CODE
ARTICLE VII-BOARD OF ADJUSTMENT

WHEREAS, Article VII, Chapter 230-38.5 of the Zoning Code of the City of Milford establishes the salaries of the members of the Board of Adjustment; and

WHEREAS, amendments to Chapter 230 must be published in a local newspaper not less than 15 days prior to the hearing date(s); and

WHEREAS, members of the Board of Adjustment provide a positive service that is invaluable to the continued progress of our City; and

WHEREAS, from time to time, there is a need to adjust the salaries of those appointed to Commissions and Boards by City Council; and

WHEREAS, salaries should be adjusted on an annual basis to align with rising costs; and

WHEREAS, during a duly advertised hearing on January 18, 2022, the Planning Commission discussed the merits of the ordinance, considered public comment, and made a recommendation to approve the amendment to Chapter 230; and

WHEREAS, after having given proper public notice and holding a final public hearing on January 24, 2022, the Council of the City of Milford adopted the amendment to the City of Milford Zoning Ordinance.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The City of Milford Zoning Code, §230-38.5 Salaries and Compensation, Board of Adjustment, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text as new matter:

Each member of the Board of Adjustment shall be paid ~~\$50.00~~ \$75.00 per regular or special meeting s/he attends and may be reimbursed for actual expenses incurred in connection with their official duties.

Section 2. The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.

Section 3. Dates.

City Council Introduction: Monday, November 22, 2021

Planning Commission Review & Recommendation: Tuesday, January 18, 2022

City Council Review & Final Determination: Monday, January 24, 2022

Section 4. This Ordinance becomes effective Sunday, January 1, 2023

EXECUTIVE SESSION

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

Legal & Negotiations

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

Personnel

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:05 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Boyle moved to go back into regular session, seconded by Councilmember James. Motion carried.

Council returned to Open Session at 8:18 p.m.

Police Teamsters Contract

Councilmember Boyle moved to ratify the Local Teamsters Contract of Police as discussed in executive session, seconded by Councilmember James. Motion carried.

Personnel Item

Councilmember James moved to authorize the City Manager to payout \$269,790 in bonus pay to all City employees to be paid from and in accordance with ARPA. Councilmember Baer seconded the motion that carried with no one opposed.

ADJOURNMENT

There being no further business, Councilmember Boyle moved to adjourn, seconded by Councilmember Marabello. Motion carried.

The Council Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
January 24, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Monday, November 22, 2021, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:40 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, 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

Tiny Homes Presentation

In attendance were Positive Points Program Director Sylvia Carson, Vice President Tim Lombardo who is also Vice President of Arbor Management and Maintenance Specialist Joe Hill.

Ms. Carson had given a presentation to other Councilmembers and tonight she will present to the full Council.

She then presented an overlook of the Positive Points Program that included participating properties throughout Delaware and the various services and activities offered. They serve 17 family properties and children from age four to 19. They also work with senior properties.

The program serves almost 1,800 children today. The kids are learning, are eager and every year go higher and higher in the program. This year, they decided to do tiny homes to help the homeless. After seeing the presentation at a prior event, Vice Mayor James approached her stating he was interested in some of the things they were doing.

Ms. Carson referenced section four of the packet that shows a number of the activities the children will be doing with the tiny house program, which is the focus tonight. They want to expose the children to the building process and plan to bus them to the job sites so they can work with the contractors.

Mr. Lombardo stated they do a variety of programs and this year, wanted to get back to the roots of what Leon N. Weiner and Associates do which is building. With the help of Mr. Hill and their vendors, they are presently building two tiny homes in New Castle County.

Mr. Hill then spoke about the building process and through the assistance of their partners donate materials, labor, or some type of related service. One of their partners is New Castle County Code Enforcement and even though these homes do not fall under their code, they will be doing site visits and inspections throughout the process to ensure they are built to today's codes.

The program provides the ability to introduce the building trade to the younger folks. Those do not find college in the future, may want to come out and be exposed to this trade. That provides them the ability to understand there are other professions and jobs that make a great living while teaching them along the way.

Their partners also participate in the education component, so they learn about roofing, carpentry, plumbing, electricity, etc.

They hope is that when the homes are completed, they will bring all the children together in Milford to see them being donated to the City for some useful purpose. Perhaps it can be given to someone who doesn't have a home or who needs a roof over their head.

Ms. Carson noted that these tiny houses will be turnkey and completely furnished with dishes, pots, pans, and bathroom items. Everything but the food. They will be ready for someone to walk in with a suitcase and make themselves at home.

Councilman James then pointed out that while these tiny homes are and useful in many ways, there were some concerns expressed by Councilmembers who felt they do not fit anywhere in the Milford code. Councilmembers had some questions and concerns which was the reason the representatives were asked to be present.

Mr. Lombardo then explained that these tiny homes are titled as trailers, which allows them to be moved around. However, they are building them as modular homes. They are going to stub out the plumbing, electrical and anything that needs to be hooked up. In some jurisdictions, the tires are being removed and they are being placed on a small foundation.

Tonight, they are here to ask Council for consideration to partner with the City. They are willing to work with the City to accomplish what is needed, though the value of these trailers is approximately \$50,000 each which is certainly a nice donation. The hope is the City of Milford will be willing to assist them so they can be donated to the City to be utilized for any sort of needs. But ultimately, they are being built as modular homes.

The one-story homes are 30 feet long, 8½ feet wide and about 285 square feet. They cannot be taller than 13 feet, 6 inches and are designed to go underneath the standard highway bridge.

Because the structure is not permanent, the homes are not taxable.

Currently Arbor Management owns the trailer, and they are titled under the Education Foundation because they are insured. They will remain that way because they are a trailer. If they are donated, they will work out how to donate them meaning they will no longer be the owners.

When asked if they are designed to be transitional home for homeless people, Mr. Lombardo shared they have one-bedroom and will be ADA compliant if a ramp needs to be built. Ultimately, they have grab bars and are designed so that mobility-impaired individuals can certainly utilize them.

He further stated they could be used as transitional homes and will have a kitchen, stove, microwave, fully furnished with a bed, closets, and a functional bathroom. It is a small home that could be potentially a staging or transitional home if that were chosen.

Mr. Lombardo also explained they will be secured to the trailers all the time and believes that is where the challenge is. Though they can be put on a foundation, if the tires are removed, and skirting added like a modular.

Ms. Carson noted that though they could be used for the homeless, though there are people that are not homeless that need homes. Once they are received, the City would make that determination of how to utilize the tiny homes. Whether they are rented, given to the homeless, or used as a transitional home.

Councilman Fulton noted that he is aware of tiny homes being used by veterans in transition. Also, new teachers have used them when locating to a new area because of the costs associated with today's housing compared to a teacher's salary.

Councilmember Wilson spoke about the transitional housing currently offered by Milford Housing ranging from six months to two years. She also noted there are many levels of homelessness that could be considered.

She also noted the City of Milford has a few homes that were transported here on wheels. The ones that exist today had a foundation built before the home was set at the site. Her preference is to place them on a foundation and to remove the wheels.

Councilman Culotta stated that while it is good in theory to provide homeless and transitional housing, there is a need to consider the side effects of the related issues that occur with those uses. He pointed out this discussion relates to the accessory dwelling unit. He said these homes are shipping container homes that can be placed on a foundation or kept on wheels like a mobile home. It is up to Council to decide the minimum size that will be permitted on a foundation.

It was agreed by Council this is very preliminary and the code will need to be amended before the homes could be accepted.

Councilmember Wilson said she understands, but she does not want that to be a deterrent. The homelessness around Milford is not going away. The City has done nothing to help that situation in a grand way like so many other municipalities around Milford have done. Milford does not even have a homeless shelter though we have a lot of homeless families in several places. She hopes all the possibilities are discussed, but asked Council to keep in mind the real intent of this program is to provide shelter for those less fortunate folks.

Councilman Boyle agreed, and stressed that he is not opposed, but some thought is needed because the homeless situation is critical in Milford and needs to be addressed. Unfortunately, the City does not have the infrastructure to support it right now. Tonight, Council will be considering some major changes to the zoning ordinance and that includes the foundation for the auxiliary living units which these could fall under.

Planning Director Rob Pierce then stated there are two aspects to tiny homes. The building code and the zoning code. The building code states how a tiny house can be built and the International Code Council update includes a section on tiny houses. It allows a reduced footprint of building construction and reduces the minimum room sizes and some egress requirements.

The harder part will be the zoning ordinance. A tiny house would be considered a mobile home because it has a registration and it's on an axle and can be transported. If the tiny houses were constructed to the building code and placed on permanent concrete or block foundations and anchored down appropriately, it would be treated like an accessory dwelling unit or a single-family dwelling of some sort.

Mr. Pierce said the bigger question is where they can be placed and whether that should be in an apartment complex, on City property or on lots with other homes.

In addition, other partners, such as Milford Housing Development Cooperation, should be asked to partner in the program as well.

Mr. Lombardo said he understands there are a lot of dynamics, but they are very appreciative of the City's time regardless of the decision. They want to stay with Milford and want to help in whatever way the City finds it feasible. The homes will be finished in August, weatherproofed, and ready to go. Even if the City is not quite ready, the tiny homes can sit for a short period as these matters are worked out.

Ms. Carson encouraged the Mayor, Vice Mayor, and Councilmembers to contact them with any questions or concerns.

Council thanked them for their information.

The Workshop concluded at 7:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 24, 2022

The City Council of the City of Milford met virtually in Regular Session on Monday, January 24, 2022.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, 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

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021, and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and participants met in a hybrid format.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:15 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

Ordinance 2022-01

Helmick Milford – Fast Food

1.024 +/- acres of land located at the southwest corner of Warner Road and US Route 113

Application Type: Conditional Use

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present Use: Vacant

Proposed Use: Fast Food Restaurant & Drive-in Restaurant

Tax Parcel: MD-16-174.14-01-03.02

Planning Director Rob Pierce read the report included in the Council packet and referred to the associated documents. The Planning Commission recommended approval of the Conditional Use by a vote of 6-0 at their January meeting.

Thomas Schreier of Hill Crest Associates then presented the plan on behalf of the applicant. Also in attendance was Helmick Milford LLC, the current owner of 997 North DuPont Boulevard, located at the intersection of Warner Road/Route 406 and North Dupont Boulevard/US Route 113, the site of the former Wendy's Restaurant.

He provided the following statement:

The applicant is seeking conditional use approval from Section 230-45 which states 'in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements.'

Our current proposal is to redevelop the approximate one-acre property with two tenants in a single-story commercial building of approximately 4800 square feet. Proposed uses will be a fast-food restaurant and a separate drive thru, of which both are permitted within the zoning district. We intend to utilize the limits of the existing payment and access ways that were once associated with the former use. Additional on-site landscaping will be added as part of the

redevelopment to provide shade to the parking areas and block any headlights passing onto adjacent roadways and properties. At this time, as the tenant is not defined, and we have limited information pertaining to signage, hours of operation, number of employees, etc. However, it is our assumption, based upon other similar uses, the signage will be placed on the building facades facing onto road frontage, in addition to a free-standing sign along the corridor of Route 113. Typical hours of operation for similar uses are 10 am to 10 pm with approximately eight employees on the largest shift.

In reading the purpose of conditional uses, the main goal is to ensure the proposed use fits in with the adjoining parcels and that no adverse impacts would be created. We feel that this is a proper use of an underutilized piece of property along the main corridor and the application can meet the area in bulk requirements, including required parking.

Looking at the composition of the Route 113 corridor, there are several existing buildings and new redevelopment projects very similar in nature also with multiple uses. This project aligns with the joining properties and growth patterns seen within the City.

When asked if this is two separate restaurants, Mr. Schreier verified there will be two separate tenants. One would have a drive thru and the other would be a dine-in or take out but are separate operations.

He then explained the location is adjacent to Helmick's other Milford investment which is the Milford Movies 9.

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

Council agreed it was an ideal location in a commercial area and provides two additional restaurant choices.

Property Owner Arthur Helmick then commented that the two proposed tenants are not local to the market but are national tenants. They are very close to finishing the one on the south side and it is a name everyone will recognize and welcome.

He added that the adjacent property, which is also a Harrington property, is in a multi-use building as well.

Councilman Marabello moved to adopt Ordinance 2022-01 authorizing the Conditional Use as presented, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Marabello—yes, it's replacing what that was already a restaurant and will have no adverse effect on the area.

Boyle—vote yes, as previously stated, it fulfills a need right now by offering more choices for residents and utilizes a lot that is an odd shape and strange position that will benefit everyone.

Fulton—I vote yes, this will give more choices for eateries, especially since they're from out of town. I enjoy that and it has complied with the condition use for voting yes.

Culotta—I vote yes and looks forward to the fact that Wendy's will be replaced by more options and now dual options for residents of Milford and given that Mr. Helmick that he just disclosed he owns the property next to it and he looks forward to him being back here soon to talk about what he is going to do with that.

Samaroo—I vote yes, because it creates more job opportunities for individuals and a better experience for new and different food choices.

Baer—I vote yes, and with the Planning Commission supporting it 6-0 and the additional restaurant options for Milford will be a big win.

James—I vote yes, it satisfies the wishes and desires of the citizens that are looking for additional opportunities and different options for their eating choices.

Wilson—I vote yes, based on all the reasons before me and I'm excited that we are going to have another choice for the City of Milford.

Ordinance 2022-02

586 MHH, LLC

0.166 +/- acres of land located at the northwest corner of N. Walnut Street and NW Front Street

Application Type: Conditional Use

Comprehensive Plan Designation: Commercial

Zoning District: C-2 (Central Business District)

Present Use: Single-Occupancy Commercial (former bank)

Proposed Use: Two-Unit Commercial (church and office)

Tax Parcel: MD-16-183.10-03-82.00

Planning Director Rob Pierce read the report included in the Council packet and referred to the associated documents. At their January meeting, the Planning Commission recommended approval of the Conditional Use by a vote of 6-0. This is the former M&T Bank building, and the applicant is seeking permission to convert it into a two-unit commercial building for use as an office and a church. The parking lot surrounding the building is owned by the City of Milford.

The Planning Commission voted 6-0 to recommend approval at its January meeting.

Owner Zack King shared that they also have Easy Speak and the Penny Square Building in Milford and recently purchased the old bank building.

He explained the proposed conditional use change is mainly for temporary usage. They have a church tenant and some office tenants across the street in Penny Square who need to be temporarily relocated to allow the finishing work to be completed in Penny Square. The proposed use for the bank building long term in the next two to three years is a wedding venue/events space/concert hall type plan.

In the meantime, they need to relocate their tenants. The proposal tonight for the change in the conditional use will mainly provide the option to potentially put two tenants in that space for a period of a year to a year and a half maximum. The process of working with historical buildings takes quite a while and he expects at least a year to get major construction underway. The whole building must come under fire suppression and new water lines are needed, in addition to the architectural and engineering plans which will take some time.

That is the reason they prefer to move those tenants to the bank building which would allow the work to be completed at Penny Square and give them a home for at least another year.

Because the plan for the bank building is a venue and event space, they think it will be a great addition to Milford and a great use for the building. The capacity is going to be rather high so bringing that many people to Milford on a regular basis on weekends for weddings, events, shows, concerts, etc. will be a huge uptick in localized tourism for Milford.

They do not need approval tonight to move the church to the bank building, but instead are only asking for the ability to split that building into two temporary tenant spaces. It is already zoned for the church to occupy for a short period of time and reemphasized the goal is for that to be temporary.

When asked for the end date for the conditional use, Mr. King said he would be fine with taking a conditional use with a time dated on it. He feels that two years is needed to be safe though he hopes it is only year, depending on a lot of factors that were previously mentioned.

While the church is in that space, along with the other potential tenant, they will be working on the bank building. Exterior work can be done, and there are no plans to occupy the basement or the second floor at this time.

They anticipate the full venue being open within three years and prefer to work as quick as possible. Their architectural drawings are underway, and several contractors have already provided quotes on various jobs, so they are not sitting idle.

When discussing the time frame for the conditional use, Councilman Culotta suggested approving it without a temporary deadline so that if the plans change for the event space, they can still have two tenants. Mr. King pointed out that they have made several improvements to the town, and everything they have presented has come to fruition, so he does not see a problem. Only thing that could delay the work may be something like an unexpected fire marshal requirement, for example, but he is not concerned with that as of this time.

Solicitor Rutt explained that when a conditional use is approved, the conditional stays with the land and continues based upon the approval given. However, at some point in the future, if the plan changes and/or the conditional is changed or abandoned, the conditional use is voided and goes away.

Councilman James shared that he never remembers any time frame being included in a conditional use application. His understanding is the conditional use goes with the land even if the property ownership changes and he prefers to exclude any time frame.

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

Councilmember Marabello stated that he favors a conditional use with a time frame, but not because he does not believe Mr. King will do what he says, but because Council must protect the city and its residents. Moving forward, he does not believe that a church would be the best use of that property nor is that a goal of the City. However, he is willing to provide a two- or three-year period which as the applicant stated, provides enough time to get the work completed.

Mr. Pierce stated the church is a permitted use in the C-2 zoning district. If the applicant used the bank building for a church with no approval from Council.

When questioned, Mr. King explained the church was always aware their location at Penny Square was a temporary space and the move to the bank is an extension of the temporary tenancy. They are building a restaurant in Penny Square with the intent to open in less than a year. As a result, the church is aware they are unable to move back to Penny Square and from the time they signed the lease, they understood it was never a permanent home.

There being no further questions, Councilmember Fulton moved to adopt Ordinance 2022-02 for a conditional use for a multi-use building, seconded by Councilmember Boyle. Motion carried by the following 7-1 roll call vote:

Marabello-votes no for the reasons he stated and though he has no objections, he would rather have a three-year time frame or whatever he needs, but he does not like the idea of it being open ended.

Boyle-Votes yes. Mr. King has always stayed with his plan and executed the plan accordingly. I think it will be a great addition to the downtown and the venue will bring a lot of people downtown or for any other use.

Fulton-Votes yes and this allows the Penny Square are to be rehabbed which allows businesses to be moved over to the M&T Bank on a temporary basis. But the length of time for construction and the like is up in the air now so I vote yes.

Culotta-I vote yes. The Kings have been great and have added a lot to our communities as far as dining options. I look forward to their plans with the Penny Square building and along with that, their decision to purchase the bank which we've struggled with selling for many years now and especially with what happened with the last owner and proposed use. I vote yes.

Samaroo-I vote yes based on the Planning Commission recommendation and I especially like maintaining the historic character of the building.

Baer- I vote yes as well based on the Planning Commission recommendation of 6-0 and I also think it is another great thing to have new businesses in our downtown area.

James-I vote yes, because the move of the church to the building does not need approval and I also want to grant the conditional use to allow a multi-tenant building with a church and office space. That does not present any underlying issues with the City. I also think it is good for the church that they have been given an extension of time to find another

home, since they will not be at Penny Square, and this provides a temporary home while they find their new resting place.

Wilson-I vote yes and am very excited about the former bank location being rehabbed and used for events and whatever it becomes. It is wonderful and I am very happy about that. There is no doubt this owner is straight with their intent. But it is sad the church must relocate, but at the same time, am happy you are working with them. That previous church had been there for a very, very long time and I do appreciate that. I also think it's wonderful that any enhancements will benefit the whole entire city and that is a bonus.

Ordinance 2022-03

Amends the City of Milford Code by Deleting in its Entirety Chapter 100 Car Washes

Ordinance 2022-04

Amends the City of Milford Code by Deleting in its Entirety Chapter 182 Satellite Dishes

Ordinance 2022-05

Amendment to City of Milford Code

Chapter 200/Subdivision Code

Sections 200-3, 200-4, and 200-8 are hereby amended

Ordinance 2022-06

Amendment to City of Milford Code

Chapter 230/Zoning Code

Sections 230-3, 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.5, 230-19.6, 230-19.7, 230-19.8, 230-19.9, 230-20, 230-21, 230-22, 230-24.18, 230-27, 230-29, 230-30, 230-31, 230-32, 230-33, 230-34, 230-35, 230-36, 230-37, 230-38, 230-38.5, 230-39, 230-40, 230-41, 230-42, 230-43, 230-44, 230-45, 230-45.1, 230-45.2, 230-45.3, 230-47, 230-48.1, 230-49, 230-51, 230-52, 230-52.1, 230-52.2, 230-53, 230-54, 230-55, 230-56, 230-58, 230-59, 230-61, 62, and 230-63, are hereby amended and/or renumbered

Director Pierce explained that Ordinances 2022-03, 2202-04, 2202-05 and 2202-06 all pertain to the Zoning and Subdivision Code update that the Planning Commission, City Solicitor, and staff have worked on for the past year.

He again reviewed the process related to the amendments and read the January 18, 2022, memo into the record stating:

Over the past several months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following:

- Implement the goals and recommendations from the 2018 Comprehensive Plan update.
- Reduce the number of Board of Adjustment applications that are being reviewed and approved.
- Standardize Site Plan, Subdivision and Conditional Use application review procedures and expiration provisions; and,
- Eliminate contradictory statements, address erroneous or missing language, and address items that cause confusion in the administration of the code:

Refer to memo for additional information.

The Director also reminded Council the draft of the subdivision and zoning code changes were discussed in a Council workshop in October and has since been amended to keep mobile home parks an option within the R3 and R8 zoning district. Originally, that language was being deleted, but has been restored.

Also, the architectural requirements in the business park zone were removed, but that language will also need to be restored as well.

The super majority requirement for zoning amendments was also removed in the latter section of the ordinance.

The packet includes all ordinances and associated amendments. In addition, Chapters 100 Car Washes will be removed and Chapter 182 Satellite Dishes due to violating federal telecommunications requirements.

After a review by the Planning Commission, they recommended approval by a vote of 6-0 of all four ordinances.

Mayor Campbell opened the floor to public comment on Ordinances 2022-03, 2022-04, 2022-05, and 2202-06. There were no responses, and the floor was closed.

Councilmember Boyle expressed concern about HOAs considering there are eleven large HOAs in Milford, of which six are in Ward 1. He wants to make sure the City maintains the strong support for HOAs. Some of the amendments appear to be in violation of some HOA restrictions. He does not want to cause any unnecessary grief among residents and HOAs when the impression is given that the City code preempts HOA restrictions. The City has always taken the position that the HOA regulations can be stricter, but never more lenient than the City codes.

Solicitor Rutt noted that HOA's and condo associations are all regulated under Delaware Code Title 25. Under the preemption doctrine, federal law preempts state law and state law preempts municipal law and municipal law preempts HOAs. The HOA declaration is a contract and does not have the force of law other than as a contract between the developer and the homeowners. It does not have anything that preempts what the City enacts by way of ordinance. As a result, it needs to be clear and should include a policy related to this.

According to Solicitor Rutt, if it comes down to a question of controls, the HOA is at the bottom of the list.

Mr. Pierce said he still requires a copy of the HOA restrictions be included with building permits that involve exterior improvements.

A discussion followed about responsibility of HOAs.

Councilmember Boyle moved to adopt Ordinance 2022-03 deleting Chapter 100, seconded by Councilmember Wilson. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Ordinance 2022-04 deleting Chapter 180, seconded by Councilmember Wilson. Motion carried with no one opposed.

Councilmember Boyle moved to adopt Ordinance 2022-05 amending Sections 200-3, 200-4, and 200-8 of the Subdivision Code, seconded by Councilmember Wilson. Motion carried with no one opposed.

When questioned, Mr. Pierce talked about the conflicting definition of building coverage versus lot coverage. The intent of the 20% in the R3 zone was for building coverage. For apartment complexes, he believes 80% lot coverage is more in line with other municipalities.

Councilmember Boyle moved to adopt Ordinance 2022-06 amending Chapter 230 and the sections included on the agenda, seconded by Councilmember Baer. Motion carried by voice vote with no one opposed.

COMMUNICATIONS & CORRESPONDENCE

Councilman Boyle referenced the email from the City Manager to all Councilmembers regarding the status of the assignments given during the Council Retreat and the conflict with FOIA. He asked that be discussed in a future workshop.

Councilman Marabello announced that Second Street Players is having its first live show after the Covid pandemic over the next two weekends.

Councilman James received correspondence about the corner of Seabury and Route 113 regarding an uncovered ditch and asked that be checked out.

Councilmember Wilson reported she continues to receive complaints about the paving issues and large potholes in the Food Lion Shopping Center. Planning Director Pierce said he will contact Mr. Helmick though he has already sent a violation notice to the property owner which is the owner of the Movie Theater property.

Councilmember James asked that a large snowbank be addressed. He explained that when leaving the Walmart parking lot traveling and traveling onto Airport Road, it impedes traffic by blocking more than a lane of traffic. City Manager Whitfield stated that Mr. Pierce had turned that over to Code Enforcement.

Councilmember Fulton spoke about the donation bins in the Walmart Shopping Center on the southside of the parking lot and the growing number of clothing items left outside. That is causing that area to be extremely unsightly and has the appearance of a dumpster. City Manager Whitfield will have Code Enforcement issue a remediation letter to the property owner.

MONTHLY FINANCE REPORT

City Manager Whitfield noted that the Rules adopted by City Council in 2018 need to be changed to allow this report to be addressed at the second meeting of the month, which will provide more updated information. A related resolution will be created.

He also shared that a Capital Improvement Update, included in tonight's packet, will be addressed at the Workshop on Wednesday.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bid Authorization/Recommendation/Riverwalk Playground Design

Parks and Recreation Director said there are two items on the agenda that are both capital projects.

The first is the Mispillion Riverwalk lighting. The guardrail behind the Santa house is being replaced with a new lighted handrail system. It is being removed and replaced with a new, updated lighted handrail system.

The matter was before the Parks & Recreation Advisory Board and public input was taken on the matter last week as well.

This has been narrowed down to two options. One is a vertical type of structure and the least favorite.

The preferred option is a stainless-steel type of structure with a cabling type of guardrail and will potentially prevent kids from falling onto the river or sports balls from going into the river. It is also more aesthetically pleasing because you can view the river through the guardrail.

The City has received grant funding and there is already city funding earmarked for the project. It will need to go through the competitive bid process as outlined by the State.

Tonight, he is looking for final authorization to move forward with design documents and to proceed with the bid.

While he received some suggestions that solar lighting be used, other residents commented that the City should use its own electric company and that electricity already exists there. As a result, he will use a low voltage LED lighting system.

When asked the length, Mr. Dennehy said this will involve the section between Walnut and Washington Streets, with the next phase extending across Walnut Street toward Second Street Players.

Councilmember Boyle moved to endorse the stainless-steel cabling guardrail and proceed with the bids, as presented, seconded by Councilmember James. Motion carried.

The next item to be voted on is a concept plan for Memorial Park. A lot of the items have been identified as part of the capital plan and with public input. He emphasized nothing is set in stone and he is presenting this as a phased type of project. He already has funding from the State and matching CIP funds for the playground and pickleball courts.

He presented a concept plan with several potential activities and structures.

He emphasized he does not just want to add a playground and pickleball court but wants to present a cohesive plan to know how to move forward.

Councilmember Culotta made a motion to move forward with the playground and the pickle courts, prepare the design documents and the bid the project, seconded by Councilmember James. Motion carried.

Adopt/Resolution 2022-01/Adopt ADA Transition Plan

Public Works Director Mike Svaby shared that In March of 2021, the Public Works Department, and its contractor Disability Access Consultants (DAC) announced to Council they were preparing an internal and external ADA questionnaire, along with site surveys of City-owned properties for the purpose of producing a transition plan toward full compliance.

By the end of the 2021 summer, all site surveys were completed, and findings documented. DAC continued their work and produced a Draft Transition Plan. In Fall of 2021, after review of the draft plan, it was made available for public comment. The comment period closed on December 30, 2021. The document will be finalized and published by the end of January 2022 and utilized when moving forward in the City's annual budget process. Compliance issues will be addressed directly through the City's annual ADA Compliance commitment and indirectly when ADA provisions are triggered through road, sidewalk, and utility projects. Projects completed through both avenues will be recorded in the DACTrak System.

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

Councilmember Boyle moved to adopt Resolution 2022-01 and authorize the Mayor to sign the following resolution, seconded by Councilmember Baer:

RESOLUTION 2022-01 Adoption of the ADA Self-Assessment & Transition Plan

Whereas, the City of Milford is required under Federal Law to comply with the standards of the Americans with Disabilities Act of 1900, as amended by the ADA Amendments Act of 2008; and

Whereas, the City of Milford Department of Public Works is engendered with the work of maintaining and constructing public infrastructure within the City of Milford, including, but not limited to sidewalks, roadways, and parking lots and in carrying out such work until it becomes the arm of the City's ability to comply with the noted Act above; and

Whereas, the Department of Public Works has successfully conducted a Self-Assessment and produced an ADA Transition Plan and has properly noticed this document, inviting, and considering public comment toward its final production for a period of no less than 60 days.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby adopt the ADA Self-Assessment and Transition Plan for the City of Milford.

Motion carried.

Introduction/Ordinance 2022-10/Chapter 68/Voter Registration Code Update

Mayor Campbell introduced Ordinance 2022-10.

City Clerk Terri Hudson explained that this will change the maintenance and use of Milford's voter registration rolls. This ordinance will allow the transfer to the State election lists, though there will still require qualified nonresidents to register and her office to maintain and update that list. The main purpose is to allow anyone registered in the State with an in-city address, will be eligible to vote in City elections beginning with the April 2022 election.

Public comments will be heard at the next Council meeting, after which Council will have the ability to adopt the new process.

ADJOURNMENT

Councilman James moved to adjourn, seconded by Councilmember Culotta. Motion carried.

The Council meeting adjourned at 8:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
January 26, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Wednesday, January 26, 2022 beginning at 6:08 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, and Jason James Sr.

STAFF: City Manager Mark Whitfield and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

Councilmember James joined the meeting after it commenced.

Customer Service Update

Staff Members Lou Vitola, Suzannah Frederick, Mike Svaby and James Puddicombe were also in attendance.

Finance Director Lou Vitola recalled that Customer Service Supervisor Frederick provided an update on Customer Service back in November and at that time, they were close to being fully staffed. He shared that the department is doing extremely well under Ms. Frederick's leadership.

Supervisor Frederick then talked about her staff, their longevity, and duties. She is still struggling some when employees are out though she has a great team, each has individual strengths that have really built the department to what it is today.

She reported there has been a lot of growth in the three core utilities over the past year. Our tax parcels are growing, and the department issues 9,000 utility bills every month. On top of that, there are a number of items that are lower volume but require a lot of demand time and immediate action such as settlements. Currently, those immediate action items average about 50 a month.

They also have high utility transfers around the 1st, 15th, and 30th of each month for most of the rental units and leaseholders within the City.

Leak work orders have increased this year to about 400. The AMI service software was upgraded last month and now receives leak event reports daily which allows a much quicker response to potential problems and contacts the customer to alert them and have the meter checks done to troubleshoot anything possible.

Cash, checking, and credit card payments are all taken directly in the office. The online credit cards, and e-checks have really been encouraged over the past two years, especially since Covid. They also manage bank transfers from many of the larger industrial customers or contract service customers.

When they ran the telephone report, she learned that the department last year had about 30,000 incoming and outbound calls pertaining to everything, from trash collection, outages, permit information, and utility billing. The overall staff level at that time was at best 75%. The employees were constantly being juggled to assist with customer service based on the immediate need.

She also talked about the four cycle/schedules and holiday schedule adjustments.

Presently, 99% of the reads are through the AMI software. Cycle two includes solar billing and cycle four large commercial and contract service customers' reads and billing.

Delinquent letters are sent out two days after the due date.

Ms. Frederick also explained that the Customer Service staff lives by the City's municipal code and procedures, the strategic plan, and their commitment to excellence. They work with every department daily and believe the communication throughout the city has improved tremendously over the past two years. She works very closely with the technical service department, solid waste department, public works, administration and management and the city engineer. She emphasized the great teamwork atmosphere that exists and the great relationship they have with the other City departments.

She also recognized the two bilingual employees who have been a tremendous asset to the public and the City.

Ms. Frederick also spoke about the partnership with DEMEC and the advantages with networking and training with their other municipal members.

In addition, the partnership with resource organizations who assist customers who cannot afford to pay their bills and the number of ways for customers to communicate through our website and social media outlets.

She also talked about the involvement in the community and the benefit of adding the drive-thru downtown. Recent changes in citywide processes and procedures have been improved and streamlined. Her staff also has the ability to work remotely since Covid and now allows uninterrupted communication.

The Tyler Technology software conversion has been improved and they continue to move in that direction. They are always looking for ways to be more efficient, provide the best customer service and provide ways that work for the employees. They are evaluating things like a self-service kiosk that will provide 24-hour access for customers to pay their utility bill.

They are considering a staggering or FLEX schedule that would allow one cash operations clerk to work a different schedule so that employee can be available for the customers that come in at the end of the day. The consideration of a remote workforce or form of hybrid workforce where staff occupies other buildings or can work from home continues to evolve as well.

There are still many customers that are not ready to provide an email address or make an online payment and prefer coming into the office with a paper bill. The internal work order process is still paper driven but will change with the new software with more things being accomplished electronically.

It was confirmed that the city absorbs the credit card costs associated with utility bills, though the customer pays those bank fees related to property taxes.

The benefit of the drive-thru was also discussed and Ms. Frederick said that it is used by many customers to the point there is often a line of vehicles around the building. The online software will be much improved with the upgrade and prevent many of the glitches that have occurred in the past.

CIP Budget/Project Update

Finance Director Vitola referenced the Capital Improvement Plan (CIP) budget in the packet showing activity through December 31, 2021.

The summary page has three years—fiscal years 2020, 2021, and 2022. Three years is related to Council's approval of projects that carry a three-year life in most cases. Projects in the inner service funds will expire after a year. A large project with a grant agreement or a purchase commitment or construction contract, must be approved by Council and signed by the Mayor. In that situation, it will have the life of the underlying contract.

However, most involve the three-year project window with approval from each year shown along with the total. Then the LTD spent column means life to date through December 31st and not just FY22. The balance remaining is that amount of authorized spending remaining from the original budget.

He commented that the kickoff process for FY23 to 27 CIP is just beginning. Great progress is being made on projects though he recalls the staffing shortages caused them to come in dribs and drabs. At the start of FY21, there was so much uncertainty around Covid and what it could do revenues. So, a lot of projects were purposely pushed off to the second half of FY21. That is the reasons for the large amounts for project authorizations remaining in those years, and the result was a much larger FY 22 budget.

The enterprise projects are really moving along and are boosted by ARPA funding and a more accelerated pace of progress and completion.

Director Vitola then spoke about individual projects which can be seen in the CIP report.

He will provide another update soon which will be necessary as they proceed with FY23.

Public Works Director Svaby then spoke about the current street assessment and the new one that is currently underway and should be ready in the next 90 to 120 days.

It was confirmed that the \$1.7 million under police only includes the usual two-car per year replacement under the old, pooled fleet. Two cars are listed for \$108,000 in FY22 with the balance related to the police building.

Director Svaby and City Engineer James Puddicombe then continued with an explanation of capital improvement projects and plans.

Director Svaby also addressed the general facilities projects and vehicles purchases (see packet).

He confirmed that all positions in the electric department have been filled, except for the Electric Department Superintendent, which involves very specialized and unique qualifications.

City Engineer Puddicombe then commented on each item remaining (see packet) and its status. Included were water and sewer utility projects.

The water quantity issues in the southeast portion of the City were also discussed. He also recalled that the City's responsibility now includes from the meter to the side of the house, as deemed by the EPA. Any internal lead piping falls under the customer though Mr. Puddicombe said there are available programs to assist those property owners.

When questioned about the Washington Street flooding area, the City Engineer explained that the outfall is in the Bicentennial Park area, comes up along Fourth Street, draining all the way up to the area of the cemetery. The biggest issue is finding land that can be used to store the water because it involves digging and maintaining a pond.

Mr. Puddicombe also reviewed and provided updates on the general fund projects.

Streets projects include the Mispillion Group that being completed and are holdovers from the 2019 street group. Also, Third, Fifth, North, NE Second, Mill, Kings, SE Second, Barker and Church are all part of the 2020 street grouping and are in the design for the streets below Fourth Street.

Depending on what comes back from the upcoming street inventory, some streets may have to be reconfigured based on current conditions.

He also talked about the ongoing sidewalk improvement project and anticipates bidding that out with work beginning this spring. Notices have been sent providing the 90-day window for property owners to do the work themselves if they prefer.

Due the next three years are the North Washington and Southwest Front Streets/Park Avenue and Denney Row streetscapes.

The Front Street/North Walnut and City Hall Parking Lot improvements will be bid in the very near future, following the completion of some reconfigurations.

Walnut Street Bridge Concept Plan

City Manager Whitfield then turned to the Walnut Street Bridge and Pedestrian Crossing project. This will link the Riverwalk on both sides of Walnut Street and will act as a speed deterrent, while becoming a focal point in the center of town.

Public Works Director Svaby provided a related slide presentation with renderings of the upgraded area. He added this will be a true representation of the divider line between Kent and Sussex Counties. As they finalize the design, they will work with DeIDOT and DNREC and funding sourced will need to be identified. Once the bid is advertised and awarded, the work will begin. Council was pleased with the general rendering.

Director Svaby also explained the challenge of the weight and original construction of the bridge. Because it is not a complete demolition, they will need to be very careful with the materials that are added. The other concern is the top layers of asphalt possibly falling into the river so the waterway will need to be covered and secured to prevent that.

A year-old cost estimate was in the \$360,000 to \$370,000 range and the associated capital budget line item is \$425,000 which included proper escalators.

When asked if there were reservations about moving the project forward, Councilmembers stressed their support of the project and are excited about the improvement to the downtown.

There being no additional items on the agenda, the Workshop concluded at 7:58 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
February 14, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Monday, February 14, 2022 beginning at 6:33 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Jason James Sr., and Katrina Wilson

STAFF: City Manager Mark Whitfield and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Council Liaisons/Three + Councilmembers

City Manager Whitfield presented the Council Liaison appointments:

<u>Departments</u>	<u>Staff</u>	<u>Councilmembers</u>
Public Works	Mike Svaby	Jason J, Dan M
Planning/Zoning/Code Enforce	Rob Pierce	Mike B, Andy F
Police	Kenneth Brown	Mike B, Andy F
Finance & Budget	Lou Vitola	Jason J, Dan M
Community & Econ. Dev	Sara Pletcher	Brian B, Andy F
DMI & Chamber of Com.	Sara Pletcher	Todd C, Nirmala S
Parks & Recreation	Brad Dennehy	Brian B, Katrina W
Information Technology	Dale Matthews	Todd C, Nirmala S
Annexation Committee	Mark W & Rob P	Mike B, Katrina W, Todd C.
Executive	Mark W & Terri H	Archie C, Jason J
Cemetery	Mark W & Brad D	Archie C, Brian B

Mayor Campbell shared that with doing away with committees, the liaisons would be assigned to staff members to work with. The City Manager said the plan is to have those Councilmembers meet with the staff members, as noted, on various matters they would bring back to City Council for later action.

When asked the protocol, City Manager Whitfield explained that when department heads have items they want to bring forward to Council for action, they would ask for the liaisons feedback prior to it being placed on a Council agenda. They will initiate the contact and if a councilmember has an issue, they want the department head to address, he prefers it go through the City Manager. However, a meeting can be arranged with staff to discuss those items.

FOIA Requirements

The City Manager noted that the second item on the agenda has to do with FOIA requirements and came out of a request when Councilmembers were given follow up assignments at the Council retreat. There were several groups formed at the retreat to address unresolved items and were given homework on how to accomplish. When these follow-up informal meetings were being scheduled, Solicitor Rutt raised some concern that three or more councilmembers meeting to discuss City business becomes an official meeting under the FOIA statute and agendas, minutes must be prepared, in addition to the public invited to oversee what occurs.

Solicitor Rutt said the issue is what constitutes a quorum when reviewing 29 Del Code §1002(J). Under the Milford Charter, a quorum of council is five members. If five members are present, three would constitute a quorum. When three people meet with the intent to discuss a problem or how to resolve something, that becomes an informal meeting, and three

members make a quorum under the charter. Two people cannot transact business, but three would be transacting public business. That requires the notice requirements, recording/minutes, etc. is required and it becomes a public meeting.

In terms of the homework assignment, there is a need to be careful and it appears to fall under FOIA.

It was explained that councilmembers and the City Manager and City Clerk were separated into groups of three and given different topics of interest to the City. The groups then met and were directed to come with strategy on how to accomplish it. The homework portion involved a 30-day window follow-up, and then a 90-day completion period.

Solicitor Rutt said the homework assignment involved an ad hoc or informal committee to investigate a certain matter. In that situation, an agenda needs to be posted, minutes kept, and the meeting must be open to the public. It is the same scenario as a special committee of citizens assigned to a specific purpose, such as the group who worked on the bicycle master plan. Regardless of whether it is three councilmembers or two councilmembers and a staff member, or all residents, they still have a mission or are given a task, and the group becomes an ad hoc committee, and it falls under FOIA.

The agenda, whether it is a council meeting or workshop, needs to include the items that will be discussed so the public is provided the information in advance.

He emphasized that a group discussing public business, for the benefit of the City or to be brought back to Council for later action, needs to be considered a committee. A committee of one person is the only exception. A committee of two persons meeting to discuss public business that will have a result is considered a committee under FOIA.

The Solicitor suggests erring on the side of complying with FOIA whenever public business is gathered or decisions are made and to prepare under FOIA.

Councilman James suggests revisiting the liaison situation, as he believes that is the same situation in his opinion. The liaisons are going to be meeting with staff, discussing items that will be brought back to council.

Solicitor Rutt noted there are numerous Attorney General opinions regarding various FOIA scenarios, and he will create a memo to Council about what can and cannot be done.

Councilmembers James and Fulton both agree there is nothing with complying with FOIA and they would rather be legal, then later find out there has been a mistake made.

It was agreed that any tasks given at a future workshop/retreat, will need to be determined in that public setting on the same day.

In addition, the format that has been used in retreats will need to be changed to ensure compliance with FOIA.

Council Rules of Procedure

City Manager Whitfield explained that the packet includes a proposal for an amendment to Councils' Rules of Procedures to move the monthly finance report from the first meeting to the second meeting of the month. It also provided an opportunity to look at some additional items that may need to be changed.

Under the executive session, there is the word deliberations which needs to be stricken from workshops and executive sessions descriptions.

An additional item states committee chairs can place items on the agenda. With committees being eliminated, that language can be removed as well.

Another matter to be discussed is public hearings. Mr. Whitfield shared that a lot of municipalities turn public hearings over to the Solicitor to run rather than the Mayor or the President of the Council. That is something Council may want to consider because it is a judicial procedure and having the Solicitor run the hearings might be advantageous to make sure we stay within legal boundaries.

A few councilmembers have also referenced public comments and whether a public comment period should be added to the Council agendas. He is aware that previous Councils have discussed this at length, but it has not been discussed in a while and may need to be considered, including hearing public comments on items that are not on the agenda.

Councilmember James prefers getting an opinion back from Solicitor Rutt before any of these decisions are made. Councilmember Boyle recommends waiting until these changes can be thoroughly reviewed first, in addition to the other rules currently in place.

It was agreed to add the procedural rules to a future workshop agenda.

There being no additional items on the agenda, the Workshop concluded at 7:07 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
February 23, 2022

The City Council of the City of Milford convened in a virtual Workshop Session on Wednesday, February 23, 2022 beginning at 6:06 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, and Jason James Sr.

STAFF: City Manager Mark Whitfield and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

Staff Member Rob Pierce was in attendance.

Building Code Updates/Residential Sprinklers

Mayor Campbell turned the meeting over to Planning Director Rob Pierce.

Director Pierce recalled last month's workshop at which time the proposed text amendments to Chapter 88 Building Construction, adoption of the 2018 International Residential Code, 2018 Building Code and 2018 International Swimming Pool and Spa Code were all reviewed. The city currently operates under the 2012 version of those codes and there is no requirement for sprinklers in residential units. The sprinkler requirements for commercial structures are governed by the State Fire Marshal's Office.

Representatives from the Delaware Sprinkler Coalition, the State Fire Marshal's Office and the Carlisle Company were in attendance to discuss the domestic residential sprinkler systems.

Mr. Pierce read the memo included in the (refer to) packet and the presentation materials that were provided at the January 10, 2022 workshop.

Again, in attendance were City Building Code Official Frederick Coppock, Sprinkler Coalition Chairman Paul Eichler, Carlisle Fire Company Chief Ryan Knowles, and State Fire Marshal Chief John Rudd. Assistance Chief Dwyane Fox attended this evening.

Mr. Pierce also invited members of the Builders and Remodelers Association Emily Taylor, Joe Clark of NBR Ryan Homes, and some additional builders who were asked to express any concerns relating to the code updates.

A concern regarding the related additional costs per square foot that will could impact affordable housing and the general price of housing was expressed, which was confirmed to be \$1.35.

At the last workshop, Mr. Eichler referenced the national average of \$1 35 per square foot and that takes several factors into consideration. That cost is associated with being tied into some type of municipal water system or in this case, the City of Milford's water supply will keep the cost down.

He did forward to the Planning Director some information from the Home Fire Sprinkler Coalition that profiled nine different communities throughout the United States. Of that, six provided their cost per square foot that ranged from \$1.03 to \$3.50.

Chairman Eichler took the community examples that were tied into a municipal system, which takes it to \$3.50 and an average size home of 2,400 square foot and will add \$8,400 to the cost of the home. Amortized over 30 years would add \$40 a month to a mortgage payment at a 4% interest rate.

After speaking with location contractors, he comfortable using \$2 to \$2.50 or \$1 less.

He also noted there may be a discount through the homeowners' policy and State Farm provides a 7% discount on a sprinklered home.

Assistant Chief Fox added that for Sussex County, the average is around \$2 to \$2.50 cents a square foot based on real time figures related to townhomes and single-family dwellings. Two 3,000 square foot homes in Lewes had systems installed, that included a tank and a pump, and that was still in the same range. However, they do not include any tap fee the municipal may charge.

Sussex County requires sprinkler systems for homes with four or more stories. Lewes and Milton wrote ordinances around the first of the year, in addition to Newark who has required it since 2002. The City of Seaford has tried to incentivize it and everyone else has left it optional.

It was confirmed that Newark has not seen a slowdown in building construction because of the requirement.

What is being considered, according to Mr. Pierce is the requirement would only be for new-single family duplexes and townhouse units though the City has the option of again opting out and making it optional. That is what Kent County did when they adopted the 2018 version some time ago.

Mr. Rudd added that during their last round of ICC codes, Delaware City did not exempt out of the sprinkler requirements so any new homes in Delaware City also require a 13D sprinkler system. He also noted that one of the reasons Newark added the requirement was because the number of volunteer firefights continued to decrease.

Joe Clark of Ryan Homes stated that in January 2017, all builders are required to share the benefits of home fire sprinklers brochure at the time of contracts. He is unsure who would be responsible for enforcing or checking on that. They also must provide an estimation of those costs to the buyers. Since the year that became a requirement, he is only aware of one customer that selected that option. Between New Castle and Kent Counties, that information has been provided to 500 to 600 homes a year.

There has also been a struggle when trying to estimate costs and coming up with a good square foot number and the big variable comes into the infrastructure and not just being able to connect. Instead, the problem is if there is pressure and what the pressure would need to be.

Assistant Chief Fox added that as long as there is a residual in the 45-to-50-pound range, it has not been a problem. The two homes in Lewes that had a tank and pumps did so because they do not live there all the time and they are putting antifreeze in the system. Any public or municipal water provider would not want that put back into their system. They opted to do a tank and a pump to keep that from contaminating the source.

City Manager Whitfield said that the lowest point in the City is about 46 PSI with most over 50.

An in-depth conversation followed regarding piping, housing elevation, metering, etc. In addition, currently Milford's fee is \$3,195 per EDU which is equivalent to one dwelling unit one house.

The City Manager pointed out that in the case of a sprinkler line, that will be stagnant most of the time and hopefully all the time and never be used. He does not see a reason why we would charge an impact fee as a result. There is concern about not running the sprinkler line through the meter. The opportunity is there for theft of water by tapping onto your

sprinkler line for domestic usage. He would run everything through the meter with two separate shut offs on the house side of the meter.

The possibility of corrosion was also discussed though Assistant Chief Fox has only seen that on sprinkler heads that are outside.

When asked to comment on fire prevention, Assist Chief Fox noted that many people think that when a sprinkler system is installed, that means the house will not burn down. And the 13D sprinkler system is a lifesaving system and the intent is to get people out of the home and not die. The statics are staggering on how well these sprinkler systems work in doing that.

He added that typically most fires are cooking fire. When they go to a sprinklered home, there is a little cabinet damage, and the stove may be damages. Other than the water damage, the people can move back in and stay there that night because only that sprinkler or two sprinklers work where the actual fire is.

Carlisle Fire Chief Knowles added that this is a helpful tool to the fire company. The City is aware of their manpower issues, though right now, it is great. But in tow weeks, he does not know. They are fully in support of the sprinkler requirement. The fire company responds to a lot of cooking fires especially in multi-family residential buildings. The stove and the cabinets catch on fire and the high-rise buildings, like the ones behind the fire company already have a sprinkler system that basically puts the fire out. That saves all the residents in each building.

Assistant Chief Fox also pointed out, that right now in Delaware there is only a handful of contractors who can install the 13D systems and followed with an explanation of the inspection process by his office. He also spoke about training possibilities for Milford's staff.

Mayor Campbell then thanked those that attended and for the significant amount of information that was provided.

Planner Pierce asked for some direction from Council to move forward with the sprinkler requirements. City Manager Whitfield said staff will proceed with making the mandatory sprinkler and providing that ordinance for consideration by Council at a future meeting.

Sidewalk Master Plan Review

Planning Director Pierce provided an update on the City's Sidewalk Master Plan.

The purpose of the master plan or the gap analysis was to determine locations of both sidewalks in relationship to the recently adopted bicycle master plan from this past fall, determine prioritization for sidewalk installation, analyze the level of improvements needed to construct sidewalks in desired locations, and review all local and State capital projects and private development that may impact closing some of the sidewalk gaps. They also evaluated the City's CIP plan and how to address the remaining gaps, related financial impacts and the party who will be financially responsible, along with an estimated timeline.

The City Engineer then assisted with the level of construction needed. With that, an implementation and prioritization plan were created and is being provided tonight for feedback. He then provided a map and highlighted the various locations where sidewalks are needed based on the bicycle plan. The goal was to have sidewalks on both sides of all streets wherever possible.

Four exhibits were included in the packet, each showing the overall the location of existing sidewalks, proposed bicycle shared-use paths and proposed sidewalks. The first exhibit entitled "Proposed Sidewalk Locations" illustrates where staff believes sidewalks should be installed throughout the City. The second exhibit entitled "Prioritization" breaks the proposed sidewalk segments into three categories-- low priority, medium priority, and high priority areas.

The third exhibit entitled “Level of Construction” demonstrates the level of construction difficulty for the proposed sections within the high priority area. The fourth exhibit entitled “Estimated Completion” highlights sidewalk sections that are to be constructed as part of planned or proposed City, State, or private development projects in the next 5 years within the high priority area. The cost estimates are as follows:

	Length (feet)	Cost per Linear Foot	Total Cost
Sidewalk Only	24,570	\$75	\$1,842,750
Curb & Sidewalk	12,560	\$150	\$1,884,000
Difficult Projects	19,430	Unknown	Unknown

- ▶ Excludes development projects where sidewalk is constructed as homes or projects are built.
- ▶ Excludes NE Front Street TAP Project and NE Front Street DelDOT project.

Mr. Pierce reminded Council that as part of the approved Capital Improvement Plan, a sidewalk connectivity initiative item was added with \$100,000 allocated each year for the next five years.

Three financial options were provided:

- 1: Sidewalk gaps are fully paid for by the property owner.
- 2: Sidewalk gaps are partially subsidized by the City, similar the sidewalk repair program.
- 3: Sidewalk gaps are fully paid for by the City.

State and/or federal grants may also help. Routes to School Program, Community Development Block Grants, and Community Transportation Funds can be applied for as well.

City Manager Whitfield talked about the overall strategy of making Milford a true walkable community. It is a big project and a lot of money, but if it is done and whether it takes 15 or 25 years, that goal will be accomplished.

Several financing scenarios were considered including property owners being able to pay to over an extended time frame at zero interest.

When asked what is needed tonight, the City Manager said the next step is the preparation of the capital Improvement plan so that money can be set aside for a sidewalk gap project. Council will need to provide the Planning Director some policy decisions as was done with the sidewalk repair program.

Director Pierce said he wanted to give Council an idea of what was needed as far as an overall plan and to get some feedback from Council. Solicitor Rutt said no determination can be nor any decisions can be made. The cost portion will need to be made after a public hearing is held.

There being no additional items on the agenda, the Workshop concluded at 8:07 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

[Subscribe](#)[Past Issues](#)[Translate ▼](#)[View this email in your browser](#)

Greetings -

The news from Ukraine is grim. Russian troops are advancing on port cities near the Black Sea, have seized a nuclear power plant, and more than 1 million people have fled Ukraine. This has become Europe's worst humanitarian crisis this century. According to Bloomberg Business, "The pandemic has left the global economy with two key points of vulnerability — high inflation and jittery financial markets," along with rising fuel prices across the world and the U.S.

The U.S. Department of State has pledged to support Ukraine's independence, sovereignty, and territorial integrity. Cities, towns, and landmarks across the U.S. and in Delaware are displaying blue and yellow lights in a show of solidarity. DLLG joins others in the global outcry for peace and justice.

As the Russian invasion of Ukraine continues, Americans have offered an outpouring of support for the Ukrainian people. Charity organizations are offering a wide range of support for those affected by the war. If you wish to consider a donation, please go to [Charity Navigator](#), which assesses and presents a list of highly-rated nonprofits engaged in relief and recovery efforts in Ukraine and the surrounding region.

- Marcia Scott, DLLG Executive Director

Subscribe

Past Issues

Translate ▼

Delaware League of Local Governments



Matheu J. Carter, P.E.
Municipal Engineering Circuit Rider
Delaware T2/LTAP Center

Monthly Dinner Meeting
Thursday, March 24, 2022 - 5:30 p.m.
Maple Dale Country Club
180 Mapledale Rd, Dover, DE 19904



Joseph Hughes
DLLG Homeland Security Grant
Program Consultant

- Keynote Speakers -



Thank you to our program sponsor!

[Register Now for the March 24 DLLG Dinner Meeting!](#)

Members, League partners, and friends are cordially invited to attend the Delaware League of Local Governments' monthly dinner meeting on **Thursday, March 24, 2022 at the Maple Dale Country Club in Dover.**

The event features Matheu J. Carter, P.E., Municipal Engineering Circuit Rider with the Delaware T2/LTAP Center, Delaware Center for Transportation. Matt will explain how Delaware local governments can benefit from the Circuit Rider program with a host of technical, regulatory, procedural, and policy guidance to address local transportation challenges.

DLLG's "Spotlight " segment will feature Joe Hughes, DLLG's Homeland Security Grant Program consultant. The program provides assistance in the form of grants and consulting to prevent, protect against, mitigate, respond to and recover from acts of terrorism and other threats.

[Register Now](#)



Training and Events

Zeroing in on Funding for Modern Cybersecurity Strategies

Tuesday, March 8 , 2022, 2:00 PM EST - Virtual

[Subscribe](#)

[Past Issues](#)

[Translate](#) ▼



Act (IIJA) earmarks nearly \$2 billion for cybersecurity, \$1 billion of which will be granted to state and local governments over the course of four years. Join Government Technology to learn how state and local leaders can take advantage of new funding opportunities to address cybersecurity blind spots, confront evolving threats, more easily meet mandates and overcome skills gaps.

[Register here >>](#)

Greg Patterson
Delaware Infrastructure Implementation Coordinator





A Monthly Spotlight on Recovery Planning from the University of Delaware's **Institute for Public Administration** 

Virtual - March 9, 2022 - 12:00 PM to 1:00 PM

www.bidenschool.udel.edu/ipa/events/upcoming

Recover Delaware Roundtable #10 - Coordinating Infrastructure Investments for Delaware

Wednesday, March 9, 2022, 12:00 PM to 1:00 PM - FREE - Virtual Zoom Webinar

Featuring a presentation from Gregory Patterson, Infrastructure Implementation Coordinator for the Office of the Governor, this session will explore how and when funds from the Bipartisan Infrastructure Law (BIL)/Infrastructure Investment and Jobs Act (IIJA) are coming to Delaware. Participants will engage in a conversation about how communities across Delaware can best manage and coordinate their efforts to make the most of BIL/IIJA funding. [Register here >>](#)

[Subscribe](#)[Past Issues](#)[Translate ▼](#)

for Delaware Local Governments

INSTITUTE FOR PUBLIC ADMINISTRATION | IPA

UNIVERSITY OF DELAWARE
BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION

Demystifying Electric Vehicle Charging for Local Governments

Wednesday, March 9, 2022, 10:00 AM to 11:30 PM - Virtual Zoom Webinar

[Learn more and register >>](#)

Introduction to Land Use Administration

Thursday, March 10, 2022, 10:00 AM to 12:00 PM - Virtual Zoom Webinar

[Learn more and register >>](#)

Freedom of Information Act (FOIA) for Local Officials

Friday, April 1, 2022, 10 AM to 12 PM - Virtual Zoom Webinar

[Learn more and register >>](#)

Basic Mediation Training

April 20, 21, 27 & 28, 2022 - Buena Vista Conference Center

[Learn more and register >>](#)

PUBLIC SERVICE SUPERSTARS

Compassion and Care for Our Communities and Our Workforce

DEL AWARE WL G

DATES: March 16th and 17th from 11:45am - 4:30pm
COST: \$30 per person (free for students)

Join us to learn about and develop a happy, healthy community and workforce

SIGN UP HERE: <https://events.bizebo.com/DWLG22>

Bob Hartman, Realtor

APA DE, EIGL, DelDOT, DSHA, GMB ARCHITECTS / ENGINEERS

DE WL G Virtual Conference

March 16 - 17, 2022 - Virtual Webinar

[Learn more and register >>](#)

Sessions include:

- Public Engagement in Small Towns
- Safe Systems Approach to Road Safety
- Prevention of Gender Based Violence
- Public Service Ethics
- Capital Improvement Planning
- Delaware Policy Update
- HR Basics
- Orientation for Newly Elected Officials

[Subscribe](#)[Past Issues](#)[Translate ▼](#)

The banner features a red and blue background with white stars. On the left, the NLC logo (National League of Cities) is displayed. The main title 'CONGRESSIONAL CITY CONFERENCE' is in large white letters on a red background. To the right, the dates 'March 14-16 2022' are shown. Below the title, it says 'EXECUTIVE EDUCATION AND PRE-CONFERENCE ACTIVITIES MARCH 12-13, 2022'. Three icons are shown: a key for 'ACCESS', a star with 'VIP' for 'EXCLUSIVITY', and a handshake for 'OPPORTUNITY'. At the bottom, a red bar contains the text 'REGISTER NOW' and the website 'www.ccc.nlc.org'.

[NLC's Congressional City Conference](#)

March 14 - 16, 2022, Washington, D.C.

Ready to use funds from ARPA and the Bipartisan Infrastructure Law (BIL)/IIJA to invest in community rebuilding, infrastructure development, and building more equitable and resilient communities? Learn how to utilize federal funds by attending NLC's Congressional City Conference. [Register here >>](#)

Please note -- because the U.S. Capitol is not yet open to the public, and Delaware's Congressional Delegation is unable to meet in person, DLLG will not participate in NLC CCC's virtual "Hill Day" meetings on March 16.

Subscribe

Past Issues

Translate ▼



It's back! Local government leaders are welcome to participate! Details coming soon!



State News

**Governor Carney
 Lifts COVID-19
 State of Emergency**

State of Emergency Lifted

Governor John Carney signed an order terminating the COVID-19 State of Emergency and the masking requirement in public and private K-12 schools and child care facilities effective at 6:00 p.m. on Tuesday, March 1. [Learn more >>](#)

Subscribe

Past Issues

Translate ▼



Governor Carney announced that Delaware will join 13 other states in adopting California's Zero Emission Vehicle (ZEV) regulations, providing drivers looking to purchase an electric vehicle with more choices at Delaware dealerships. [Learn more >>](#)

Federal News

Compliance and Reporting Guidance
 State and Local Fiscal Recovery Funds



New ARPA Reporting Guidance

On February, 28, 2022, U.S. Treasury released the updated [Compliance and Reporting Guidance](#) SLFRF Program on its [website](#). NLC conducted a deeper dive into Treasury's new guidance document. Many of the items listed are new. Some are refreshers that NLC thought would be useful to reiterate ahead of the April 30, 2022, NEU reporting deadline. [Visit DLLG's website for more information >>](#)

PRESIDENT JOE BIDEN
BUILDING A BETTER AMERICA
 BUILD.GOV

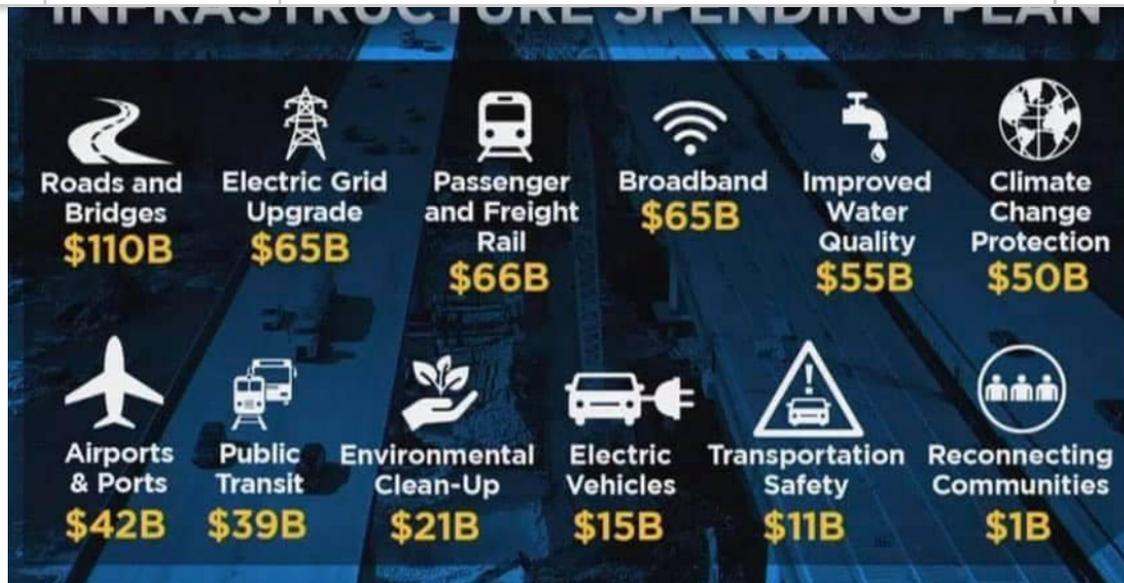
BIL Resources

The [Infrastructure Investment and Jobs Act \(IIJA\)](#), also known as the Bipartisan Infrastructure Law (BIL), was signed into law in November 2021. New funding will be available to make transformative investments in transportation, high-speed internet, water, energy, and resilient infrastructure. The White House and National League of Cities (NLC) have produced numerous resources to help city leaders understand key programs. [Visit DLLG's website for more information >>](#)

Subscribe

Past Issues

Translate ▼



White House "Infrastructure School" Webinar Series

On January 31, the White House released the [Bipartisan Infrastructure Law Guidebook](#). It provides information on what programs to apply for, who to contact, and how to get ready to rebuild. The White House is also hosting a series of "Infrastructure School" webinars for implementation stakeholders. The webinars build on the recently released Bipartisan Infrastructure Law guidebook, which contains a funding roadmap, individual program details, upcoming key dates and date ranges for key activities, partner information, and other explanatory documents for upcoming 2022 and 2023 programs. See below webinar topics and registration links:

- [Safety](#): Tuesday, March 8 at 1:00 p.m.
- [Clean Energy and Power](#): Thursday, March 10 at 1:00 p.m.
- [Water](#): Tuesday, March 15 at 1:00 p.m.
- [Resilience](#): Thursday, March 17 at 1:00 p.m.
- [Environmental Remediation](#): Tuesday, March 22 at 1:00 p.m.
- [Broadband](#): Thursday, March 24 at 1:00 p.m.

[Subscribe](#)[Past Issues](#)[Translate](#) ▼

House America

[HUD.gov/house_america](https://www.hud.gov/house_america)

Re-house households experiencing homelessness through a Housing First approach



Add new units of affordable housing into the development pipeline

House America Initiative

Sign onto the House America Initiative to join the national effort to address homelessness! Launched by HUD Secretary Marcia L. Fudge, the Initiative is the federal government's direct response to the crisis of homelessness, which was rising even before the arrival of the COVID-19 pandemic. Through House America, HUD, and the U.S. Interagency Council on Homelessness (USICH) are inviting Mayors, County Executives, and Governors into a national partnership to use the historic investments provided through ARPA and other resources to address homelessness. State and local leaders are asked to set goals to re-house people experiencing homelessness and add new dedicated affordable housing units to the development pipeline by December 31, 2023. New Castle County Executive Matt Meyer signed on to House America in December, and HUD is inviting more elected officials to join him in this effort.

For more information on House America and how you can participate, please visit the [House America website](#). If you want to meet with HUD about the Initiative or if you want to sign on, please email houseamerica@hud.gov and/or Wilmington HUD Field Office Director Maria Bynum: maria.l.bynum@hud.gov.

NLC News/Resources



Landlord Engagement Lab

Want to learn more about how your municipality can engage small landlords in your community? Apply by March 25 for an opportunity to participate in NLC's Landlord Engagement Lab, a new peer-to-peer network focused on how cities can build relationships with and support "mom and pop" landlords to prevent evictions.

[Learn more and apply today >>](#)

[Subscribe](#)[Past Issues](#)[Translate ▼](#)

White House Resources

In February, NLC welcomed State League Executive Directors and Presidents to DC for a "fly in" event. Attendee across 20 states heard from representatives with the White House, DOT, EPA, and NTIA. They all shared the same message – the Administration is ready and excited to continue working with local governments to make the most of the opportunities available in the American Rescue Plan Act (ARPA) and the Bipartisan Infrastructure Law (BIL). NLC BIL resources from this event are [available here >>](#)



Career Opportunities

City of Dover, DE -

[Planning and Community Development Director](#)

Overview - The Director reports directly to the City Manager and will oversee and direct the Planning and Inspections Department, which includes Planning, Building Inspections, Code Enforcement, Licensing and Permitting, and the Fire Marshal's Office.

M&T Bank -

Relationship Manager, Government Banking

Location: Delaware / MD Eastern Shore

Overview - This is a Relationship Manager position in the Government Banking segment of M&T Bank. The Government Banking segment is responsible for the bank's business with state and local governments, school districts and municipal authorities in Delaware, Eastern Shore of Maryland and Philadelphia. Contact Dave Worthing: dworthing@mtb.com

The AARP Community Challenge provides small grants to fund quick-action projects that can help communities

Subscribe

Past Issues

Translate ▾



COMMUNITY CHALLENGE

Grants to make communities livable for people of all ages

aarp.org/CommunityChallenge

accepted for projects to improve public spaces, housing, transportation and civic engagement; support diversity, equity and inclusion; build engagement for programs under new federal laws; and pursue innovative ideas that support people age 50 or older. [Learn more and apply by 3/22/22 >>](#)



Copyright © 2022 Delaware League of Local Governments, All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

Grow your business with  mailchimp





Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

S.C.A.T. Dinner for Wednesday, April 6, 2022

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

LOCATION: Bridgeville Volunteer Fire Department
315 Market Street
Bridgeville, DE 19933

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

HOST: Town of Bridgeville

SPEAKER: Rick Duncan, Executive Director, DRWA, and Sandi Spiegle, Public Health Treatment Program Administrator, Drinking Water State Revolving Fund, DHSS

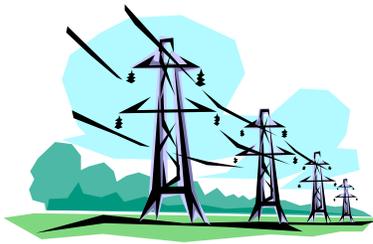
COST: \$28.00 per person

MENU: Roast Beef and Dumplings
Roasted Turkey Breast
Tossed Salad
Mashed Potatoes and Gravy
Cole Slaw
Green Beans
Baked Pineapple
Rolls
Ice Cream – Courtesy of Vanderwende’s
Tea, Water, Coffee

For reservations, please contact Bethany DeBussy at (302) 337-7315 or by email: bdebussy@townofbridgevillede.us no later than **Friday April 1, 2022 BY NOON**

Please make checks payable to **Town of Bridgeville**
Mail to: Town of Bridgeville
Attn: Bethany DeBussy
101 N Main Street
Bridgeville, DE 19956

****Please note that payments can also be made online at Bridgeville.delaware.gov****



DEMEC

Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

March 1, 2022

EMAIL DELIVERED

TO: Local Regulatory Authorities:

- City of Newark City Council
- City of Milford City Council
- Town of Middletown Town Council
- City of Seaford City Council
- Lewes Board of Public Works
- Town of Smyrna Town Council
- Municipal Services Commission of the City of New Castle
- Town of Clayton Town Council

Delaware General Assembly
Department of Natural Resources and Environmental Control

FROM: Kimberly A. Schlichting, President & CEO, DEMEC

SUBJ: Municipal Renewable Portfolio Standard - Updated Plan

As required by state statute enacted in February 2021, by the Delaware General Assembly, The Delaware Municipal Electric Corporation, Inc. (DEMEC) hereby submits a comparable Renewable Portfolio Standard Plan. This plan details DEMEC's approach, on behalf of our members, to achieve a defined level of renewable energy for their respective service territories.

DEMEC is a public power utility incorporated in 1979 as a not-for-profit, political subdivision of the state; the members of DEMEC are eight of the municipal electric distribution utilities in Delaware. DEMEC provides joint services to its members including, but not limited to:

- Wholesale electricity from a portfolio of member-owned generation assets and purchased electricity from other generators through staggered short, medium, and long-term power contracts to meet the full requirements of its member municipal utilities.
- Identifying and developing renewable sources of electric generation to reduce carbon emissions and diversify power supply sources.
- Manage the compliance obligation created by the Municipal Renewable Portfolio Standards.

Delaware Renewable Portfolio Standard Background

The Renewable Portfolio Standard ("RPS") is a state-mandated policy that obligates each retail seller of electricity to include in its resource portfolio annually increasing amounts of electricity from Qualifying Renewable Energy Resources through 2035 and beyond. The municipal electric

utilities operated under their own RPS requirements prior to 2010 and have since been required to submit a comparable plan.

In 2010, DEMEC and its members responded to a request from Delaware Governor Jack Markell by voluntarily joining the Delaware RPS under SS 1 for SB 119. The bill provided, among other things:

- Increasing the RPS target to 25% by 2025 with at least 3.5% from solar sources.
- Required municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2013 Compliance Year (6/1/2013-5/31/2014).
- Provided a method to freeze the RPS compliance obligations for utilities if costs exceeded “circuit breakers” of 3% of the total cost of purchased power for Renewable Energy Credits (RECs) and 1% for Solar Renewable Energy Credits (SRECs) in any calendar year.

In February 2021, new legislation was enacted that changed the RPS statute. The most significant of those changes were:

- Increasing the RPS target to 40% by 2035 with at least 10% from solar sources.
- Revising the RPS “circuit breakers” from a total cost-based trigger to a product availability trigger, meaning if there are not enough RECs or SRECs to meet targets then a freeze could be initiated.
- A requirement for municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2022 Compliance Year (6/1/2021-5/31/2022).

DEMEC Renewable Energy Commitments

In developing a comparable plan, DEMEC evaluated its renewable accomplishments and commitments. As part of DEMEC’s core values, investments have been made in the development of a portfolio of qualifying renewable energy resources to achieve the lowest possible cost to protect its members’ customers from unreasonable and burdensome impacts on their cost of electricity. DEMEC’s goal is to comply with the spirit of the Delaware RPS without creating a negative impact on the communities, their customers, or the Delaware economy.

Non-Solar:

- DEMEC committed in 2011 to purchase all the renewable energy and associated RECs from a wind farm (Laurel Hill) in north-central Pennsylvania under a 25-year agreement. Laurel Hill is a 69-megawatt (MW) wind energy generation facility consisting of 30 Siemens wind turbines, each capable of generating 2.3 MW. Laurel Hill can generate enough electricity to power more than 20,000 homes.
- DEMEC’s member service territory is home to the only significant wind generation system installed in the state of Delaware; the utility-scale 2 MW wind turbine located at the University of Delaware’s (“UD”) Hugh R. Sharp Campus in Lewes. RECs generated by the UD’s wind turbine are purchased by DEMEC through an agreement. The proceeds support wind and intermittent renewable energy graduate student research fellowship(s) in the University’s College of Earth, Ocean, and Environment (CEOE).

Solar:

DEMEC is the leader in deployment of Solar Renewable Energy Resources in Delaware and has done so through a variety of pathways to support our members' individual and customer interests. Detailed below, in Tier sizes defined by the RPS Taskforce, is a description of DEMEC's solar development areas.

Solar Renewable Energy Tier Groups:

- Small = 0 to 50 kilowatt (kW) – Typical Residential Rooftop
- Medium = 50 to 350 kW – Typical Small Commercial and Community Scale
- Large = 350 kW to 2 MW – Larger Commercial, Industrial and Community Scale
- Utility = 2 MW+ (Defined by DEMEC)

Small and Medium Tiers + Green Energy Grants

- DEMEC has encouraged and supported residential and commercial renewable energy systems since June 1, 2006, through the Municipal Green Energy Grant Program.
- DEMEC has fostered over **\$7.8 Million** of overall investment in renewable energy with over **\$2.5 Million of grants**.
- The table below details the number of residential and commercial installations, along with the capacity installed, in DEMEC member communities.

Table 1: DEMEC Member Residential and Commercial PV Installations

Community	Number of Installations	PV Capacity (kW)
New Castle	11	291
Newark	158	2,905
Middletown	234	4,025
Smyrna	110	1,098
Clayton	44	470
Milford	178	2,095
Seaford	29	1,242
Lewes	113	1,128
Total	877	13,254

*Not all installations above have received Municipal Green Energy Grants

- **Clayton – 6.0 kW project** – went commercial 3Q/2021. This project is installed on the new Clayton Public Works building. Like the Clayton Firehouse project, the kilowatt-hours produced green the new building and reduce community taxes that pay for city facilities. The system generates electricity equivalent to charging 724,000 smart phones.
- **New Castle - 29.0 kW project** – went commercial 3Q/2016. This project was designed to fit within a unique municipality. The historical nature of the community limits placement, therefore, the installation was located near the local water treatment facility near the Penn Farm. It represents the successful combination of maintaining historic feel and embracing new technology. The system generates electricity equivalent to saving 2,000 gallons of gasoline annually.

- **Clayton - 4.0 kW project** – went commercial 2Q/2015. This project is installed on the local Clayton firehouse to not only green the new building, but it also serves to reduce community taxes that pay for this critical infrastructure. The system generates electricity equivalent to saving 9 barrels of oil annually.

Medium and Large – Community Scale

DEMEC continues its long-standing support and funding of community solar sited within each of our members' service territories for the benefit of the entire community. Municipally-sited and owned, behind-the-meter solar installations result in optimal cost savings to the entire community due to reduced capacity, transmission, and ancillary costs. Additionally, the benefit of these systems is that they allow participation by low-to-moderate income customers, customers with properties not conducive to solar installations, and those who otherwise could not afford participation.

Each municipality's community project was designed and implemented to meet the specific needs, benefits, interests, and zoning of each community. DEMEC recognizes that there is **no "one size fits all"** approach; therefore, DEMEC assists with development that specifically meets the unique interests and addresses the unique characteristics of each of its members.

- **Newark – 1,300 kW project** – under construction 2021. Several locations in the City of Newark will be utilized for this project: City Hall, Field Operations Complex, Newark Reservoir, expansion of the McKees Run Community Solar Park. The SRECs generated by the project will be used to fulfill some of the RECs needed for Newark's 100% Renewable Option. Newark created a new 100% renewable energy fee for all electric customer classifications. The new rate automatically applied to all new electric accounts created after May 26, 2021, and existing electric customers can opt into this program. The fee is set on a charge per kWh, and the revenue derived from this fee is used to purchase enough RECs to cover all usage from accounts that have opted to participate in the program. RECs generated or purchased for the 100% Renewable Option will be retired on behalf of participating customers.
- **Newark – 230 kW project** – went commercial 4Q/2014. DEMEC, on behalf of the City of Newark, developed the McKees Run Community Solar Park. The project revitalized a 3.91-acre brownfield site off East Cleveland Avenue. The Solar Park provides Newark with a behind-the-meter renewable power source to serve all residents of the community by reducing the City's peak power demand, lowering the wholesale cost of power, generating SRECs, producing locally-sited green energy to the City's electric customers, and reducing the City's carbon footprint. The 900-panel array produces enough electricity to power approximately 26 to 36 homes, depending on the season.
- **Newark – opt-in program** - DEMEC also conceived and proposed to the City of Newark the first opt-in community solar program in Delaware. This program was approved by Newark City Council on June 23, 2014, to launch programs that promote community involvement in the solar park. There are several participant options such as: "Sun Ray" in which subscribers can make a one-time investment of \$50 in return for a monthly rebate of \$1.00 and the opportunity to purchase one (1), 100 kilowatt-hour (kWh) block of power generated from McKees Solar Park each month for ten years. Participants can also select from a variety of tax-deductible donation options to support the solar park and be recognized on the City's website. DEMEC's Community Solar Model for the City of Newark has been recognized **twice** by the national solar industry trade group, presently

named the Smart Electric Power Alliance (SEPA), as a leading program design for increasing access to solar energy to the public. DEMEC intends to help its members replicate this unique model.

- **Smyrna - 1.5 MW project** – went commercial 3Q/2018. This project meshes efficiency with renewables. Space in municipalities is at a premium so making smart choices is important. This project utilizes land surrounding a dry retention pond which had little use otherwise. Through efficient land use, Smyrna is adding more solar to the community while also preserving prime open land for economic development. The system generates electricity equivalent to removing 239 passenger cars from the road every year.
- **Seaford – 690 kW project** – went commercial 1Q/2017. This project provides power to the local wastewater treatment plant and benefits the community by reducing municipal expenses. The system generates electricity equivalent to 60 homes’ annual electric use.

Several other DEMEC communities are working toward installing their own community solar projects in various tiers:

- Middletown and Lewes are considering initial concept designs for their own community solar projects.

DEMEC will continue to concurrently support local community interest, low-to-moderate income participation, and meet its RPS obligation by investing in member community solar projects.

Utility Scale

DEMEC recognized early on that compliance costs needed to be carefully managed if renewable energy was going to see real growth in Delaware. To avoid hitting legislative circuit breakers prematurely and assure that we did not unreasonably increase the cost of electric service to our members’ customers, DEMEC chose to invest a significant portion of its MRPS-dedicated funds in large-scale solar facilities. To prevent a negative impact on the Delaware economy from the cost of RPS compliance, DEMEC committed capital to develop utility scale solar systems that created jobs and economic development for the state.

1. **Milford Solar Farm – 15 MW** – (*DEMEC purchases a majority of SRECs and all energy*) went commercial 4Q/2012 and produces enough energy to power more than 1,300 homes.
2. **Dover Sun Park – 10 MW** – (*DEMEC purchases 15 % of all SRECs*) went commercial 2Q/2010 and produces enough energy to power over 1,100 homes.

Beyond Tiers – Meeting Individual Corporate Sustainability Goals/Targets

DEMEC Corporate Renewable Energy Block Program – DEMEC’s program launched in 2021 in response to corporate interest in more renewable energy. It is designed to offer business customers the opportunity to select renewable energy options that meet their corporate sustainability goals/targets based upon their organization’s historical and projected energy consumption. DEMEC works with corporate management teams to determine what energy resources fit their organization’s needs. This is not a “one size fits all” program. Rather, this is a unique option to purchase a customized portfolio of products through market purchases of select RECs and/or SRECs from a variety of generation technologies (*wind, solar, hydro, etc.*).

DEMEC Comparable Plan Objectives

DEMEC has set the following objectives as goals for its MRPS Plan:

- Develop and implement a compliance plan that is comparable to the state’s plan which encourages development of qualifying renewable energy resources in the state of Delaware for all state-defined tiers.
- Plan in five-year increments. The parameters of the five-year planning cycle will have goals for achieving a comparable plan that: 1) implements low-cost solutions to mitigate higher renewable energy cost impacts for our members’ customers and the state economy; 2) encourages the development of renewable resources in our member communities; and 3) maintains the nationally recognized, award-winning high reliability of electric service in our member electric utilities.
- DEMEC will review and rebalance its compliance schedule annually to ensure cost impacts to our members’ customers are reasonable and just.

MRPS Schedule

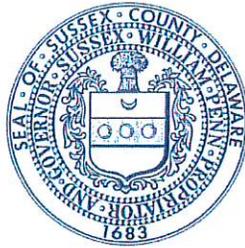
Municipal Renewable Energy 5-Year Schedule			
Compliance Year <i>(beginning June 1st)</i>	Non-Solar Percentage <i>(State Schedule)</i>	Solar Percentage <i>(State Schedule)</i>	Total* <i>(Cumulative Percentage)</i>
2021	18.50%	2.50%	21.00%
2022	19.25%	2.75%	22.00%
2023	20.00%	3.00%	23.00%
2024	20.75%	3.25%	24.00%
2025	21.50%	3.50%	25.00%
<i>* Total Cumulative Percentage includes both Non-Solar and Solar percentages.</i>			

DEMEC recommends that member’s local regulatory authorities continue to base renewable energy decisions on both the collective needs of the DEMEC membership and on their individual goals. Value, impact, and feasibility of renewable energy resources pertaining to the economic and environmental wellbeing of their communities and customers must also be considered.

DEMEC continuously evaluates the impact of MRPS costs on its member communities. Specifically, DEMEC reviews the impact on wholesale electric rates and REC/SREC inventory as member municipalities proceed forward to meet MRPS goals comparable to state RPS requirements.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

March 1, 2022

The Honorable Arthur Campbell
Mayor of Milford
119 S. Walnut Street
Milford, DE 19963

Dear Mayor Campbell,

This letter is to inform you that County Council has amended their budget to include one-time grants to Sussex County municipalities. Your municipality is qualified for a RTT grant in the amount of \$500,000. Please note there is a match requirement for any amount over \$100,000. The match can come from any funds already secured by your municipality. Funds may be used for projects that are public safety, economic development, public works, and infrastructure related. To receive the funds please email County Finance Director, Gina Jennings (gjennings@sussexcountyde.gov) and the County Economic Development Director, Bill Pfaff (William.Pfaff@sussexcountyde.gov) with the following information:

- i. What is your proposed project, including what category, listed above, it falls in?
- ii. How much of the grant is being requested?
- iii. If applicable, how is the County's grant being matched?

Funds must be applied for by May 31, 2022. All applications will be approved by the County by June 30, 2022. Upon completion of the project, a full report detailing the work that was done, the final cost, and an accounting of all the funds must be provided to the County Finance Director within 60 days of the project completion and no later than June 30, 2023.

Please call or email me if you have any questions.

Sincerely,

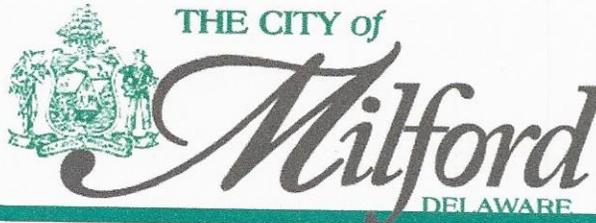
Gina A. Jennings
Finance Director/COO

GAJ/cjh

pc: Mark Whitfield, City Manager ✓



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: March 7, 2022

RE: Activity Report/February 2022

Monthly Stats:

A total of 480 arrests were made by the Milford Police Department during February 2022. Of these arrests, 99 were for criminal offenses and 381 for traffic violations. Criminal offenses consisted of 10 felony and 89 misdemeanors. Traffic violations consisted of 73 Special Duty Radar, 6 Drunk-Driving charges, 302 others.

Police officers investigated 34 accidents during the month and issued 95 written reprimands. In addition, they responded to 1078 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of February, participated in numerous conference calls and virtual meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, bi-weekly City Manager's meeting with Department Heads, and PD Staff meetings.

Attended the Police Department Website Delivery meeting to review backend of website held via Zoom on February 2, 2022.

Met with Stephanie Denning to discuss HRSA Grant funding held via Zoom on February 3, 2022.

Attended the Monthly Rural Subcommittee Diversion Workgroup meeting held via Zoom on February 3, 2022.

Met with a local author on February 22, 2022, in reference to research for book he is currently writing on Law Enforcement.

Attended a luncheon for the members of the Department's Senior Patrol Volunteer Unit held at Grotto Pizza on February 23, 2022.

Attended the Police Department Website Delivery meeting held at the Department on February 24, 2022. This meeting was to demonstrated and train staff to use the backend of website and to set a date to go live.

Met with ADP Time and Attendance held via phone conference on February 24, 2022. Met with ADP to discuss possibilities on updating ADP to accommodate the Take-Home Car Program.

Met with Attorney in reference to on-going litigation via teleconference on February 28, 2022.

Training –

Most training courses for department personnel during the month of February 2022 were performed via webinars.

Two Officers attended LE Medical Responders Course held at DSP Academy from February 7, 2022 – February 11, 2022.

Two Officers attended an Intoxilyzer 5000 Course held at the DSP Academy on February 28, 2022.

Social Media Update –

Our Nextdoor posts during the month made 119 impressions. Nextdoor reaches 1657 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 11,713 followers. Posts during the month reached 18,255 people with 10,350 people engaging in our posts. On Twitter our Tweets made 1847 impressions and our followers are at 1325. Our Instagram account is at 1687 followers and posts during the month were liked by 354 people.

SRO –

Sgt. Masten joined other staff members from Milford Senior High School with a staff game against the Unified Basketball team. At that point the Unified team has only been able to play one game this season due to Covid related issues with other teams leading to games being postponed. Kate Lynch and Bobby Croce who oversee the program asked for staff to volunteer because of the athletes hard work each day in practice and not being able to play games. Unified sports in Delaware schools are a partnership with Special Olympics Delaware and the Delaware Interscholastic Athletic Association. For more about Unified sports we have included the following link. https://education.delaware.gov/diaa/sport_championships/unified_sports/

S/Cpl. Bloodsworth assisted Benjamin Banneker Elementary School with their annual "tabletop" exercise. The exercise is a mock scenario in which school staff applies safety policies to the scenario provided. Under the Omnibus School Safety Act one "tabletop" is required by law each school year.

K9 Unit –

For the month of February 2022, the Milford Police Department K9 Unit had the following stats:

K9-1 (Mason)

- Drug Sniff 1
- Building Searches 4
- Tracks 1

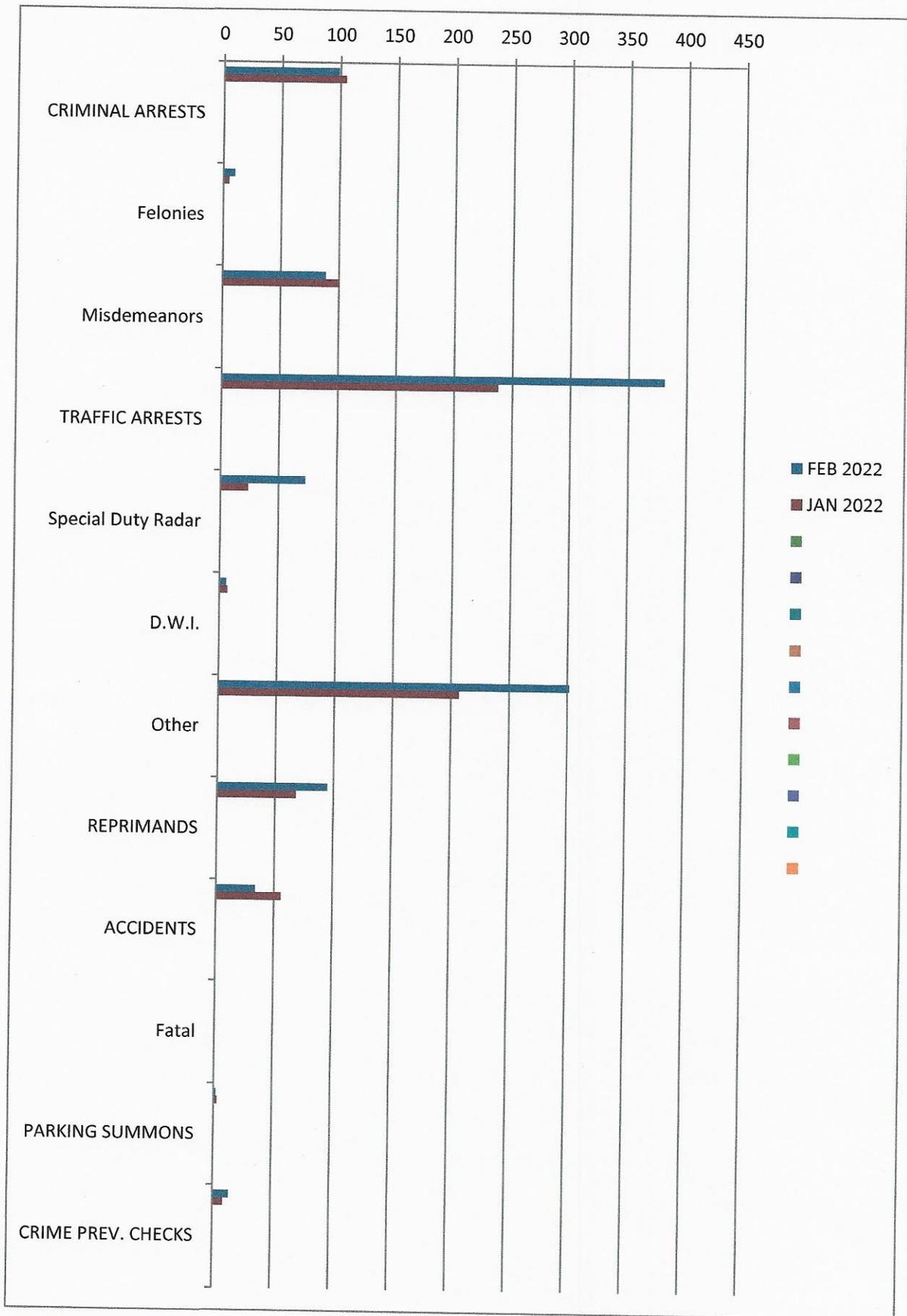
Seized Items **Amount**

- Marijuana Residue

K9-2 (Raven). Officer is still attending canine training in Wilmington daily.

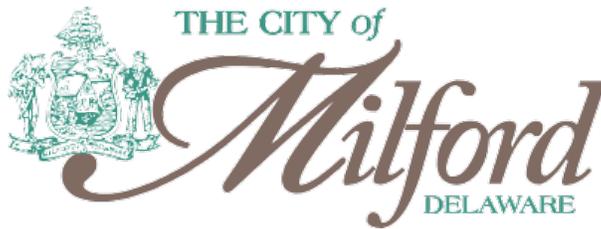
FEBRUARY 2022 ACTIVITY REPORT

	FEB 2022	TOTAL 2022	FEB 2021	TOTAL 2021
COMPLAINTS	1078	2070	837	1558
CRIMINAL ARRESTS	99	204	146	179
Felonies	10	15	14	15
Misdemeanors	89	189	132	164
TRAFFIC ARRESTS	381	619	222	253
Special Duty Radar	73	97	58	58
D.W.I.	6	13	3	8
Other	302	509	161	187
REPRIMANDS	95	163	37	43
ACCIDENTS	34	90	31	61
Fatal	0	0	0	0
PARKING SUMMONS	2	5	2	2
CRIME PREV. CHECKS	14	23	5	5
FINES RECEIVED	\$4,127.94	\$ 9,586.43	\$2,893.80	\$8,343.06



Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
January 31- February 6, 2022	61.5	1. Statewide Behavioral Health Consortium Meeting 2. Rural Subcommittee Diversion Meeting	1. Risky Behavior in Juveniles 2. Bipolar Disorder Management 3. Postpartum Psychosis	14	Referrals to Services: Harassment Domestic Check the Welfare Local Fugitive Public Assistance Missing Person DUI	0	1	10
February 7- February 13, 2022	53.5	1. Sun Behavioral Health Treatment Team Meeting 2. Meeting w/ Colorado Behavioral Health Unit	1. Understanding Racial Discrepancy in Psychiatric Treatment 2. 988 and the Future of Crisis Response: What Criminal Justice Professionals Need to Know (Part 2)	11	Referrals to Services: Check the Welfare Public Assistance Assist Other Agency Disorderly Domestic	2	1	13
February 14- February 20, 2022	52.5	1. Homeless Advocacy Meeting 2. Monthly MH Clinician Meeting	1. Understanding Racial Discrepancy in Psychiatric Treatment 2. Child & Adolescent Mental Health Crises	11	Referrals to Services: Disorderly Public Assistance Domestic Check the Welfare Shoplifting 10-81	0	2	10
February 21- February 27, 2022	47	1. Dover Behavioral Health Regional Treatment Team Meeting	1. Understanding Racial Discrepancy in Psychiatric Treatment 2. Child & Adolescent Mental Health Crises	14	Referrals to Services: Domestic Disorderly 10-81 Overdose Check the Welfare Public Assistance DUI	2	2	15
Monthly Totals:	214.5			50		4	6	48
Overall Totals:	1357			294		20	35	287

Milford Police Department - February 2022 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS Gregory Bisset, LCSW, C-AADC Danielle Blackwell, BA



OFFICE of the City Clerk
201 South Walnut Street
Milford, DE 19963

Teresa K. Hudson, MMC
O 302.422.1111 | F 302.424.3558
www.cityofmilford.com

DATE: March 1, 2022

TO: Mayor and Members of City Council

FROM: Terri Hudson, City Clerk

RE: February 2022 (partial month)

I apologize this report does not include the entire month of February, but begin after the February 8, 2022 meeting, when the request was made by Vice Mayor Jason James to submit a monthly City Clerk report, which I am pleased to accommodate. However, I will attempt to include some documented statistics from January 1, 2022.

- Prepared 5 notices related to upcoming 2022 City of Milford Election.
- Continuing to work with State and County Department of Election
- Forwarded notices to various media outlets including local newspapers.
- Prepared Mayor Candidate packets and City Council Candidate packets.
- Prepared and submitted Certificate of Intention for each person running in the April 23, 2022 election.
- Absentee applications, ballots, envelopes (3 each) have been created and placed in system in preparation of Ward I election.
- Received numerous phone calls with questions about the voter registration change and election.
- Worked with the Director of Delaware's Department of Election Anthony Albence and Sussex County's Sussex County Department of Elections Director Bo McDowell.
- Three mayoral packets were prepared and distributed for the Office of Mayor.
- Five council packets were prepared and distributed to candidates for the Office of Council.
- Had several conversations with the new candidate regarding campaign finance, committee creation and the general election process.
- Worked with solicitor on amendments to the Voter Registration Ordinance.
- Addressed several matters regarding the Brandon Roberts Estate legal proceedings, including providing information to attorneys and staff.
- Hosted the 1st SCAT Meeting of 2022. Worked with restaurant to finalize menu and seating arrangements. Took 111 reservations from 31 municipalities, counties, associate members (businesses) and legislators. Oversaw payment receipts of \$7,150, then reconciled with Finance Department.
- Two SCAT Legislative breakfast reservations & payment – 6 total attendees
- SCAT Monthly Meeting reservations & payment (Town of Georgetown) – 2 attendees

- Resolutions -3
- Proclamations – 5 (2 requested by Mayor)

CC

- Assisted West Virginia Clerks in preparation of upcoming conference that includes clerks from Delaware, Maryland, New Jersey, Virginia, West Virginia and Washington DC
- Worked with other State Presidents to evaluation/consider new Region II Director who would be sworn in May.
- Had several meetings with Pennsylvania Clerks from Pittsburgh, Reading, Harrisburg, Lancaster, regarding possible colleges/universities for new site of Pennsylvania Municipal Clerks Institute.
- Albright College in Reading was selected and IIMC staff and Reg II Director from NJ and myself are working with PA clerks and officials from the college to prepare new training curriculum.
- College officials include:
 - Paul Janssen, Director of Albright’s Center of Excellence in Local Government
 - Karen Campbell, Senior Vice President of Academic Affairs and Provost
 - Stephanie Walker, Assistant Dean in Albright’s School of Professional Studies
- Had two virtual meeting with the Director of Education of Albright College to discuss curriculum and instructor requirements to prepare for brand new Municipal Clerks Institute in
- Attended the IIMC Region II Conference in Oglebay, Wheeling, WV 02/09 – 02/11
- Oversaw training and meeting sessions as IIMC Region Director
- Worked with IT staff on computer issues related to saving documents in correct drive
- Reviewed and communicated with various flag companies in preparation of new order for City Flags
- Worked with Public Works Director Department Head about recognition of an employee
- Admin budget adjustment requested (3)
- Met virtually with IIMC Executive Board and Board Members regarding upcoming International Conference in Little Rock.
- Communicated with reporters from Milford Live, WBOC and the Delaware State News regarding the adoption of the Voter Registration Ordinance.
- Was contacted by IIMC’s Vice President who appointed me as the Vice Chair of IIMC’s 2022-2023 Resource and Research Committee. Duties include:
 - Review of in-house publications (Roll Call and Language of Local Government).
 - Assisted in developing and disseminating surveys and questionnaires as requested by the Board of Directors, Committees, and staff.
 - Respond to IIMC member questions.
 - Review and update current and/or create new IIMC Technical Bulletins.
- Recognized and corresponded with Region 2 Clerks who are new members of IIMC
- Recognized and corresponded with Region 2 Clerks who have received the designation of Certified Municipal Clerk and Master Municipal Clerk.
- Updated IIMC Region 2 Facebook page multiple times with current news.

Beginning January 1, 2022:

- Performed notary services-9
- FOIA & All Call requests from other Cities-29
- Ordinances prepared and updated-15
- Associated Public Hearing Notices prepared, reviewed and updated

- Created and updated notices and agenda for February Board of Adjustment meeting.
 - No meeting was held in February due to lack of a quorum (only one member attending).
 - Created and updated 11 public notices for Planning Commission meetings in January and February
 - Created and updated January and February Planning Commission agendas
 - Prepared and updated public notices, associated documents and agendas for six total City Council meetings and workshops
 - Council Meeting, Workshop and Executive Session minutes completed thru February 2022-12
 - Bayhealth requested J-1 Letters for Specialists-2
 - Revised/reloaded 2/14 packet 7 times after its initial upload on Tuesday 02/08.
 - Uploaded 2/23 Council packet; revised 2 times after initial upload.
 - Revised/reloaded 2/28 council packet & agenda a total of 11 times.
 - Attended staff meetings in January and February.
 - Attended all council workshops and meetings.
 - Submitted meeting pay requests for Councilmembers.
- Special Event Permits
 - February 2 issued:
 - ✓ DMI the After Market - 1/15, 1/29, 2/12, 2/26, 3/12, 4/16
 - ✓ Music In the Park - Wednesdays: 6/29, 07/06, 07/13, 07/20, 07/27
 - ✓ Currently under review:
 - ✓ 5K Running of the Goats - 5/20
 - ✓ MHS Senior Cruise – 5/31
 - ✓ Bug and Bud Festival – 4/30
 - ✓ Diamond Dance Company Tutu Trot 5K – 4/30
 - ✓ DMI Third Thursdays - 5/19, 6/16, 7/21, 8/18, 9/15
 - ✓ Feebs Distilling Co Feebs Fest - 5/29
 - ✓ Milford Public Library Open Mic Night – 6/18
- Minutes
 1. BOA Minutes – 2
 2. Community Cemetery Minutes – 2
 3. PC Minutes - 3
 - Attended PC, BOA, Community Cemetery, Council meetings & Workshops
 - Attended IIMC Annual Conference Meeting
 - Training Classes – 3
 - Athenian Dialog – 1 two-day class
 - Attended Woman Leading Government Meeting.
 - Member of Woman Leading Government Conference committee – attended committee meetings

tkh



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

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: February 2022 Monthly Report
Date: March 9, 2022

- Our Site Readiness Application for the Industrial Park Master Plan was reviewed by the DE Division of Small Business staff and was selected to move forward to the Council on Development Finance for their review and approval on March 28. Projects that fall within the funding parameters are selected to move forward, so this is very promising that our application will be approved for the \$100,000 match.
- We and the Delaware Electric Co-Op PCA rates this month. Milford electric is 2.4% than the Co-Op's rate and 14% lower than the Delmarva Power Company rate.
- After our frustrations with Pinnacle/Doxim, we are investigating bringing the bill mailing service in-house. We are evaluating equipment costs as well as manpower needs. Milford and Middletown are the only two municipal electric companies that outsource their bill mailing. We are also looking at how the DEMEC members are doing bill mailing.
- Staff submitted all CIP requests, which are now being compiled by the Finance Department. Sandra Peck has sent out 2023 Budget sheets for staff to complete as we begin the 2023 Budget process.
- Effective March 1 we opened all buildings to the public and eliminated indoor mask requirements in City buildings. We also eliminated the weekly requirement of testing on non-vaccinated employees.
- Councilpersons Culotta and James (and Pam), Mayor Campbell, and I attended the monthly Sussex County Association of Towns dinner in Laurel. We heard a presentation by the Superintendent of Sussex Technical School on their plans for expansion.
- Mayor Campbell, Councilperson James and I attended the SCAT Steering Committee Breakfast. We heard a presentation by Todd Lawson and Tyler Technologies on the Sussex County Reassessment project.
- David Rutt and I met with Bobby Wilson of the NAACP regarding bidding requirement and contract bonding for the Police Department.
- Rob and I met with a developer regarding the SE section of the City, and the possible pump station construction east of Route 1.
- Lou, Melody, Sandra and I attended a Delaware League of Local Governments webinar on ARPA money and the Bipartisan infrastructure Law.
- Mike Svaby and James Puddicombe held a meeting today with the contractor and engineering firm completing the waterline work on NE Front Street. We expressed to them our dissatisfaction with the notification process, which has hampered a number of businesses in the area. They worked on devising a new notification process that includes Sara. We are hopeful that the past experiences will not be repeated, and we hope with the warmer weather, the job will be completed in the very near future.
- Rob and I met with Safety-On & Health-on Initiative. They have State grant money to address lead paint abatement in low income homes in Milford.

- Lou and I attended the monthly DEMEC Executive Board meeting.
- I attended the monthly Chamber of Commerce Executive Board meeting.
- I attended a quarterly meeting of the City Managers Association of Delaware meeting.
- I addressed a number of personnel issues
- Lou and I met with Councilperson James to review the monthly Finance Report.
- The Chief and I dealt with a personnel matter and were able to finalize an agreement.
- Rob, Sara and I, along with Tsionas and Emory Hill interviewed engineering firms for the Industrial park project master plan. We all agreed on the firm to recommend to Council.
- Lou Vitola, Mike Svaby, James Puddicombe, Sara Bluhm and I were on a teams call with Shentel GloFiber. Shentel extends fiber optic cable to homes, and offers TV, Internet, and phone service through their network. They are based out of Harrisonburg VA, and are looking to expand into the Delmarva market. They have signed a franchise agreement with the City of Salisbury, and they are discussing agreements with Seaford and Sussex County. They are very interested in the Milford market. We will continue to discuss the possibilities with them. They believe it will take 6-12 months to complete a Franchise Agreement, then another 12- 18 months to install the infrastructure.
- Sara Bluhm, Melody Barger and I met with Martha Gery of Milford Advocacy for the homeless. We were very encouraged to hear at the many things that are being done to deal with the homeless population. Additionally, we discussed ways the City can partner with the Advocacy to assist with their efforts. I invited Martha to a future Council workshop.
- Lou Vitola, Rob Pierce and I met with Kevin Dickerson and Jason Miller regarding updating our Agreement for School Resource Officers as well as the possibility of adding an impact fee for the School District. We also discussed our bike plan and how we may partner in construction of bike/ped routes to, and around schools.
- Sara, Rob, and I met with Tsionas Property Management and Emory Hill to finalize the MOU for the development of the Fry Farm.
- Sara, Rob and I met with a developer interested in purchasing 25 – 30 acres of land to place an event center. We discussed several options.
- James Puddicombe, Sara, Rob, Mike and I met with DeIDOT bridge engineers regarding the Mispillion Street Draw Bridge. Due to this being a legal matter, I will inform Council in Executive Session.
- Sara, Rob, David Rutt and I finalized an MOU for the development and management of the Industrial Park with Tsionas Management and Emory Hill.
- The MyMilford App is now available for downloading onto your smart phone. I hope you have a chance to download and check it out!
- Mayor Campbell, Sara, Brad and I were on the WIIN Coalition call.
- We held an internal meeting regarding customer service issues, specifically addressing complaint of phone calls being blindly transferred, not returning calls, and not taking ownership of calls. We came up with a number of solutions. Sara will be coordinating efforts with IT, and also looking at training opportunities.
- Melody has made final edits to the Right-of-Way ordinance.
- We have updated our Covid Policy for employees, and also provided advance sick leave for newer employees who have been affected by Covid.
- The final rule was made on the ARPA funds. The good news is, reporting was made very easy. City, towns, etc receiving less than \$10 million can simply state “loss of income”. The requirements on how the money may be spend continues to exist, we just don’t have to report on it since we are less than \$10 million.



TO: Mayor and City Council
THRU: Mark Whitfield, City Manager
FROM: Michael Svaby, Director, Public Works
DATE: March 9, 2022
RE: February 2022 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of January 2022.

Director's Office

- Met with Osmose regarding conducting an inventory and assessment of all City-owned utility poles.
- Conducted 2 hours of cross-training in Customer Service
- Met with PD Project partners - Becker Morgan Group, RY Johnson and Department of USDA multiple times on PD Building Design, procurement and funding processes.
- Reviewed and Approved Plans for City Garden expansion and development.
- Conducted Monthly Safety meeting
- Attended APWA Board Meeting
- Met multiple times with DelDOT and McCormick Taylor on the Front Street TAP and DelDOT Signalization Projects
- Met with KCI on status of Street Condition Survey
- Attended DelDOT Annual Utility Summit

Engineering Division

- Continued work on Front St and revised water connection design due to field conflicts
- Performed testing in Phase 1 Cypress Hall to complete the required inspections for Water and Sewer mains.
- Coordinated the test pitting inspection of lead services on North St, 3rd St, and 2nd Street as part of 2020 Streets.
- Discovered and made adjustments for approximately 700ft of unexpected asbestos water main on North 2nd Street.
- Provided Parks and Rec with a cost estimate for the Cemetery Road expansion.

Public Services Division - Streets/ Utilities/Water/Sewer/Solid Waste Sections

- Conducted final snow removal and salting during inclement weather conditions
- Intermittently cleaned storm drains and filled potholes as weather conditions permitted
- Erected new speed limit sign on Wilbert Street
- Organized inventory of signage in warehouse for count and spring deployment.
- Supported the City's Lead Service line replacement project on Front Street by distributing information noticed about water quality and service outages

Electric Division/Tech Services

- Evaluated multiple applications for solar energy arrays
- Completed Annual Under Frequency Load Shedding (UFLS) Certification on Electrical Capacity (2/22) for PJM thru DEMEC.
- Participated in meeting for preparation of EV Charging Stations
- Met at the City's designated sites to identify make ready plans for EV Charger installation
- Evaluated multiple requests for co-hosting utilities on the City's utility poles
- Worked with GE on the Front Street TAP Project's Lighting Plan

PW Administration

- Managed repaint and carpet project at the Vickers Building
- Prepared and compiled the Department's input for the FY 23 CIP Budget
- Supported billing for permitting process with the PD Building Construction
- Collected participant information for the City's Annual Leave Sellback Program

New Employee Starts

- None to report since last Council meeting

Public Works Department -Feb 2022	Feb 2021	Feb 2022	FY21 YTD (07/01/21-12/31/21)	FY22 YTD (07/01/21-12/31/22)
Electric Division				
Trouble Service Call	9		114	167
Work Orders Completed	22		217	273
Outages	5		53	68
LED Street Lights Replaced	<i>Data Unavailable</i>		<i>Data Unavailable</i>	56
New Service Install	<i>Data Unavailable</i>		<i>Data Unavailable</i>	42
Poles Replaced	2		35	11
After Hours Calls	8		64	78
Trees Trimmed (Streets)	2		47	10
Technical Services Division				
New Electric Service Installed/Meter Set	10		212	148
New Water Service Installed/Meter Set	13		164	46
Electric Meter Replacement	2		55	29
Water Meter Replacement	27		233	248
Work Orders Completed	721		5,563	4,500
After Hours Calls	6		41	27
Streets/Utility Division				
Signs Installed/Replaced	25	10	131	131
Curb Miles Swept	212	1,235	1,105	4,490
Sewer Lines Flushed (in feet)	2,000	3,000	19,530	20,650
Sewer Back-up Response	6	3	26	26
Sewer Line Repaired	0	0	8	4
Water Hydrants Flushed	4	12	155	233
Fire Hydrants Replaced/Installed	0	0	1	8
Water Line Repair	1	0	16	13
Water Valves Exercised	5	24	92	167
De-icing Salt Used (tons)	60	0	61	102
Potholes Filled - Cold Patch	30	55	320	392
Potholes Filled/Spray Patch - Gallons Emulsion Used	0	0	102	7
Leaves Collected (Tons)	0	2	31	102
After Hours Calls	11		46	51

Crack Sealing (pounds of sealant used)	0	0	650	100
Work Orders Completed	2		148	137
Storm Sewer Inlets Cleaned	140	60	812	532
Street Closures/Festivals	0	0	22	24
Engineering Division				
Utility Locates Completed	213	194	1,608	1,188
Infrastructure Work Orders Completed	Data Unavailable		Data Unavailable	63
Backfill Inspection Work Orders Completed	Data Unavailable		Data Unavailable	68
Operations Division				
Fleet Work Orders Completed	Data Unavailable	29	181	161
Fuel Use-Diesel (Gallons)	1,854	2,101	19,534	17,332
Fuel Use-Gas (Gallons)	3,550	3,618	35,747	27,300
Solid Waste & Facilities Division				
Refuse Collected (Tons)	268	194.39	2,214	2,033
Recycle Collected (Tons)	71	53.33	501	487
Yard Waste Collected (Tons)	14	12.75	377	381.37
Diversion Percentage (%)	2400.00%		29.00	0.31
Bulk/Brush Collection Requests Completed	72	34.00	523	465
Containers Delivered	92	39.00	396	328
Containers Serviced (Swap, Replacement, Removed)	15	10.00	167	192
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons)	74,094,300	72,912,400	144,145,500	1,063,814,000
Waste Water Transferred (Millions of Gallons)	92,725,000	65,754,000	92,725,000	1,013,606,000
Work Orders Completed	52		326	219
Pump Stations Cleaned	0	3	7	8
After Hours Calls	1	7	47	17

Public Works Projects - Feb 2022	Planning Stage	Bid/PO Award	In Progress	Complete
Electric				
DEL2 Substation Testing				
Traffic Signal Head Refurbish. - Church/Walnut/Washington				
Water				
Install Automated Blow-off Valves 2 in stock	Charlie / James		X	
Protection Upgrades Caulk & 10th Street Towers	Steve			
Water Tower Altitude Valve at Caulk Tower	Charlie / James		X	
Tenth St Water Treatment Facility Test Well, etc.	James	AC Schultes	X	DONE
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	Steve / Steve Z.		X	
City-wide Valve & Hydrant Replacement/Improvements	Charlie / James			
Standardized Water Treatment Facility Controls	Steve / Steve Z.		X	
DNREC Water Allocation Permit	Steve	State	X	Patty Murray
Washington Street WTF Lot Consolidation	City			
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair	KCI	KCI	X	
SCADA Instrumentation Upgrades & Integration	Steve / Steve Z.		X	
Targeted Inflow and Infiltration Investigation & Repair		KCI	X	
SE 2nd Street Sewer Line Replacement	james	X	X	Done
North Shore Pump Station Hatch Replacement	DBF			
Streets				
Mispillion, McColley, Marshall Streets Reconstruct/Paving				
Fisher Ave				
Financing for Private Sidewalk Improvements				
Street Resurfacing and Rehabilitation, ADA Ramps				
Installation of ADA Compliant Ramps				
Walnut Street Pedestrian Crossing (Landscaping)				
Truck Turning Study				

PARKING				
BUILDINGS				
Council Chambers Recording System Upgrade				
Monitors in Council Chambers				
City Hall Basement Renovation Phase 2-Training Rm/Ofc				
PW-Complex Security				
City Wide-LED Replacement Project				
DMI Project (BEING SOLD)				
Customer Service-Basement Waterproofing				
Customer Service-Concrete Repair Drive-Thru				
Facilities Management Binder				
PW - Bldg 100 Paint/Flooring (fall 2021 project)				

STREETS				
SOLID WASTE				
GARAGE				
Active Developments - Feb 2022	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Hearthstone Manor I			X	
Lighthouse Estates II			X	
Brookstone Trace			X	
Brookstone Trace II		X		
Orchard Hill			X	
West Shores at New Milford			X	
Watergate		X	X	
Walnut Village			X	
Milford Ponds Phase I		X	X	
Hearthstone Manor II	X			
Milford Ponds Phase II				
Simpson's Crossing Phase 1a			X	
Simpson's Crossing Phase 1b		X		
Cypress Hall Phase I		X		
Wichersham	X			
Misphillion Landing	X			

Riverwalk Villas	X			
Windward on the River			X	
Cypress Hall Phase II	X			
Milford Ponds Phase III	X			
200 NW Front				X
Hickory Glen	X			
Knights Crossing	X			
Reserves at Sawmill	X			
Commercial Developments - Feb 2022	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Microtel				X
Lot 8 Independence Commons			X	
Food Bank	X			
Draper Farms	X			
Laundry Mat-24 Milford-Harrington Hwy	X			
Delaware Mini Storage	X			
La Kramer				X
Deep Branch Plaza		X		

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: March 1, 2022

RE: February 2022 – Planning Department Staff Report

- During the first two months of the 2022 calendar year, the City issued 10 new residential construction permits. The total construction investment in Milford for through the end of February 2022 based on issued building permits was \$2,501,077.
- The City of Milford has seen 113 projects with a committed investment of over \$24.7 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 \$2.64 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$515,000 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 will review three land use applications, a preliminary subdivision extension request and two proposed code amendments at the March meeting. The land use applications include a revised PUD approval for the Cypress Hall subdivision and Phase III Preliminary Major Subdivision review, an amended Conditional Use Site Plan approval for the redevelopment of the Buccaneer Carwash, and an amended Conditional Use Site Plan approval for an expansion of the Teal Creek Plaza. The extension request is for Knights Crossing Phase II-A & II-B and the two code amendments pertain to Chapter 197 regarding City right-of-way, streets, utilities and sidewalks and Chapter 230 adding regulations for Wireless Communication Facilities.
- The Board of Adjustment will review six variance applications at the March meeting.
- Staff attended the State of Delaware PLUS (Preliminary Land Use Service) meeting for the City's 2022 Amendment to the 2018 Comprehensive Plan request. The City should receive State comments during the month of March and public workshops and hearings should be scheduled some time in April or May.
- The City received a resubmission for the preliminary site plan application for the redevelopment of the Buccaneer Carwash on N. Dupont Boulevard and placed the item on the March agendas for review.
- The City received a resubmission for the preliminary site plan application for an expansion of the Teal Creek Plaza located on N. Dupont Boulevard and placed the item on the March agendas for review.
- The City received a resubmission for the Cypress Hall Phase III Preliminary Major Subdivision and revised Planned Unit Development applications and placed these items on the March agendas for review.
- Staff provided the applicant plan review comments for a preliminary site plan application for Cascades – Phase II for the construction of 66 apartment units.

- The City received a revised preliminary site plan application for the Food Bank in Independence Commons, including a variance request that is currently under review by staff. These applications should be heard by the BOA, Planning Commission and City Council in April.
- Staff provided final site plan review comments to the site engineer for the proposed Milford Police Station.
- Staff received an offer on a parcel in the Greater Milford Business Complex and is pending authorization by the Mayor, which involves the last City-owned property within the business park on the south side of Airport Road.
- A workshop was held with City Council on February 23, 2022 to discuss a proposed building code update from the 2012 IRC/IBC to the 2018 version, including the potential requirement for residential sprinklers in new construction. Staff continues to work on preparing final amendment for City Council consideration in April 2022.
- Staff worked with the Public Works Department to submit proposed Capital Projects for the draft 5-Year Capital Improvement Plan (CIP) based on recently completed planning studies. Projects include proposed bicycle paths and sidewalk improvements, open space acquisition and utility extensions for future development.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
 - [2018 Comprehensive Plan & SE Master Plan \(Click Here to View\)](#)
 - [Downtown Development District Plan \(Click Here to View\)](#)
 - [Rivertown Rebirth Master Plan \(Click Here to View\)](#)
 - [Strategic Plan – Press Play: Vision 2023 \(Click Here to View\)](#)

Case Activity:

	Total
New Cases	19
Closed Cases	17
Open Cases at Start of Period	236
Open Cases at End of Period	237

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	5
Dangerous Tree	0
Furniture Violation	0
Generic Violation	2
Property Maintenance Violation	2
Rubbish & Garbage	3
Weeds & Grass	0
Zoning Use Violation	7
Total	19

Rental Licenses Issued: 445

Vendor Licenses Issued: 0

Contractors Licenses Issued: 58

Business Licenses Issued: 90

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	2
Construction Trailer	0
Residential Demolition	1
Residential Building New Construction	6
Residential Renovation/Accessory	12
Roof/Siding Permit	2
Sign Permit	2
Solar Panel Permit	1
Utility Permit	4
Total	30

Inspections Performed:

Inspections Performed by Type	Count
Footer	10
Foundation	18
Framing	30
Insulation	18
Final	57
Residential Rental	0
Total	133

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: March 9, 2022

RE: February 2022 – Parks and Recreation Staff Report

- Park staff continued to do weekly trash runs in the downtown of municipal trash and recycling cans.
- Another snow event occurred in February and the park staff cleared all footbridges and elevated Riverwalk of snow and ice.
- An existing steel box for a dump truck was acquired from Public works and welded into a Park and Recreation truck in preparation of the arborist position. This will be known as the “chipper” truck.
- Park staff continued to work on mowers (maintenance) in preparation for the mowing season.
- Interviews began late February for seasonal grass cutters.
- Christmas banners were replaced with new banners in the downtown.
- A couple of mile marker signs were damaged on the Riverwalk and had to be fixed.
- A minor leak was discovered at the Can-Do bathroom and was repaired in house by staff.
- Staff met to discuss needs for the Capital improvement plan.
- Remainder of the old frisbee golf course was removed.
- Flower beds began to be prepped for the springtime planting.
- Planters were reinstalled on the Riverwalk railing in preparation for spring plantings.
- New nets were installed at the basketball courts.
- Considerable graffiti occurred on the elevated section of boardwalk on Goat Island. This required a fair amount of effort to remove. A police report was filed but no one has been charged with this incident.
- The old peninsula building on Mill street was demolished and all debris was removed. Fill dirt will be brought in and the lot graded once the weather improves.
- Temporary signs were placed in the cemeteries for the annual spring clean-up to occur in March.
- A quote was obtained for a replacement landscape trailer as part of the approved CIP.
- We had a busy month in Recreation with many activities being extended into March because of COVID and winter storms.

- It was a busy month of winter sports with basketball, soccer, wrestling, and Taekwondo. The kids learnt a great deal and displayed tremendous improvement in their skills.
- The volunteer and paid coaches really worked hard despite changing guidelines and revised schedules due to a snowstorm and COVID restrictions.
- The soccer coaching staff was excellent, they utilized members of the high school staff as assistant coaches, and their dedication to our program is continual and very strong.
- All the practices and games were held at the Boys and Girls Club. We started February fully masked, then were able to have participants masked only, and finally at the end of the season and the first weekend of March, everyone was mask free.
- We have over 100 kids participate in both indoor soccer and over that amount in our basketball league. On every level except the 11-13-year old's, we had waiting list for participation.
- Taekwondo is at full participation and will continual through the end of March.
- "Little Buc's" wrestling was brought back after a two-year absence due to COVID with new coaching staff. Unfortunately, our coach of over 30 years Roy Rigby was unable to coach to health reasons and we all mourn his passing in February. The new coaches brought in lots of energy and dedication to the sport and helped to continue the Milford tradition of excellence in wrestling.
- For the first time in many years, P&R offered an adult basketball drop-in program which proved very successful. Adults signed up and played every Tuesday night after our developmental instructional program. Players were highly complimentary of our efforts to get this program up and running and anxious to do this again in the future.
- Recreation staff have done a good job of offering excellent programs despite COVID limitations and guidelines. They worked with the situation presented to them and communicated the constantly changing situation well with patience and flexibility.
- Registrations for spring programs has begun with offerings in soccer, field hockey, tennis, flag football and adult flag football. Other activities will be held over spring break.
- Director met with engineer concerning future paving at the cemeteries.
- Director met with the economic development and community engagement administrator and the new DMI director.
- Director met with the City Manager, City Planner and Landscape designer to review the preliminary master plan.
- Director continued discussions with IT and our current recreation software provider regarding updating the software system.
- Director continued to meet weekly with the WIIN coalition.
- Director met with the Public Works director and other employees regarding improvements to the community garden.
- Director participated in an interview with HR, and Public Works Director for the arborist position.
- Director and Parks Superintendent attended the community clean up meeting.



To: City Council and Mayor
From: Sara Bluhm, Economic Development & Community Engagement Administrator
Subject: February Monthly Report
Date: March 9, 2022

Economic Development

- Met with City Manager, Planning Director, and industrial park partners, Tsionas - Emory Hill, LLC, several times to finalize MOU and select an engineering firm
- Reviewed Site Readiness Level 1 Application with DE Prosperity Partnership, City Manager, Planning Director and ICMA Fellow
- Interview with DE State Housing Authority for DDD Annual Report press release
- Visited new Walnut St. business, PRN Staffers and shared City of Milford resources with owner and office manager
- Joined Cookie's Paper Petals DE Black Chamber of Commerce Mixer and networked with many potential Milford business investors
- Met with potential entertainment venue investors, City Manager and City Planner to review properly zoned land
- Prepped growinmilford.com economic development website for March 1 launch

Community Engagement

- Presented Economic Development update to Milford Community Conversation, which led to a 7-page article in the Feb. 15 issue of MilfordLIVE
- Attended Music School of DE Press Conference announcing their new \$10 million donation that will fund their scholarship program
- Launched SeeClickFix (MyMilford) app on the App Store and Google Play. Attended recurring SCF meetings for technical and marketing assistance.
- Attended Community Clean Up kick off meeting and setup volunteer sign-up form on the MyMilford portal and app
- Created Customer Resources webpage for easy access to all low-income state and local resources

Meetings/Trainings

- Met with Public Works staff for monthly Public Utility Working Group meeting. Topic: meter education
- Met with City staff to ID and address customer service improvements leading to prioritizing Microsoft Teams staff training
- Met with P&R Director and DMI Director to discuss Bug & Bud Festival
- Attended quarterly CCGM Joint Economic Task Force meeting
- Met with Martha Gery from Milford Advocacy for the Homeless
- Met with Public Works and Planning teams to continue public EV Charging Stations planning, as well as spoke to and received a quote from a potential charging station equipment supplier
- Attended DelDOT Mispillion Drawbridge repairs meeting
- Attended broadband company potential expansion meeting

- Attended quarterly DE Prosperity Partnership Economic Development Partners meeting
- Attended HBA Nuts & Bolts Meeting
- Attended Kent County Tourism Board Meeting
- Attended AARP Community Challenge grant information session
- Attended PLUS Review meeting where Planning Director presented Milford's Comp Plan Amendments
- Attended Polco NCS webinar
- Attended monthly SEDAC meeting
- Attended WIIN project team meeting
- Attended Front St. discussion with City Engineer, PW Director, project engineer, and construction company

Social Media/Website

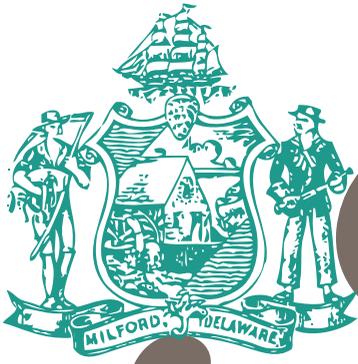
- February 2022 Insights:
 - City of Milford Facebook: 28 new likes (total: 2,469); 9,314 reached; 713 post engagement
 - Parks & Rec Facebook: 18 new likes (total: 2,571); 14,585 reached; 668 post engagement
 - Instagram: 43 new likes (total: 934); 435 accounts reached; 28 accounts engaged
 - Twitter: 3 tweets, 637 impressions, 125 profile visits, 1 mention, 1,334 followers
 - Website: 86,658 users; 91,314 sessions; 24,646 pageviews (32,703 last month)
 - ChatBot: 78 self-service resolutions; 50.6% self-service resolution rate; \$390 cost savings
 - MyMilford: 53 issues created; 42 issues closed; Average Days to Close: 1.0
 - App Store: 136 total downloads
 - Google Play Store: 49 total downloads

Email Campaigns

- Feb. utility newsletter to customers who receive e-bills (3,670): 52.5% open
- Feb. business newsletter 1 (audience: business license holders, 608): 33.3% open
- Feb. business newsletter 2 (audience: business license holders, 608): 37.3% open

Press Releases & Coverage

- City of Milford Launches MyMilford App (Feb. 16)
 - DE State News: City announces launch of MyMilford app (Feb. 16)
 - WBOC News at 6pm (Feb. 17)
 - MilfordLIVE: City of Milford Launches MyMilford App (Feb. 17)
 - Cape Gazette: City of Milford launches MyMilford App (Feb. 27)
 - Downtown Development Districts Program, New App Sparking Milford's Growth (March 2)



Milford

River Town • Art Town • Home Town

DELAWARE

City Buildings are Open

All City buildings are open to the public. All public meetings are hybrid, both in person and available on Zoom. Sign up for meeting notifications on the city's website.

March Community Happenings

- **Through March 19:** Mispillion Art League's 19th Annual Judged Show
- **Tuesday, March 1:** Parks & Recreation Spring Sports Registration opens
- **Saturday, March 5, 2pm:** 56th Annual Lions Club Spaghetti Dinner @ Milford High School
- **Saturday, March 5, 3pm:** Auxiliary of Carlisle Fire Company Cheesesteaks & Fry Fundraiser (pre-orders required)
- **Saturday, March 12:** The After Market in the Farmers Market area
- **Monday, March 14, 7pm:** City Council Meeting
- **Saturday, March 19:** Migratory Bird Banding at Goat Island
- **Tuesday, March 22, 10am:** Milford Wellness Village Job Fair
- **Wed., March 23, 6pm:** City Council Workshop
- **Monday, March 28, 7pm:** City Council Meeting
- **Tuesday, March 29, 6pm:** Soccer Tryouts @ Boys & Girls Club (registration required)
- **Thursday, March 31, 5pm:** Soccer Tryouts @ Boys & Girls Club (registration required)
- **Thursday, March 31, 5pm:** Annual Community Expo @ Milford Elks Lodge

Spring Parks & Rec Programs

Registration opens March 1. Don't wait! Program decisions are made about a week before the program start date. Help programs continue by registering early. Check the City of Milford Parks & Recreation website for a complete list of programming with special events for children and adults. Registration and questions can be directed to 302.422.1104.

Community Clean Up

The 2nd Annual Community Clean-Up is scheduled for Saturday, April 9 from 8-10:30am. The event is rain or shine. Sign up to volunteer at cityofmilford.com/537/Community-Clean-Up. T-shirts provided to the first 200 people registered. Children under 18 must be accompanied by an adult. Community service hours and/or volunteer letter provided. Each person must register separately.

MyMilford App

MyMilford is a free app and web tool that will allow citizens to report quality-of-life issues and city service requests or complaints. The MyMilford platform provides city officials with a centralized service request management system to manage issues from creation to resolution — engaging citizens throughout the process. The MyMilford mobile app is available for download on Android and iPhone. More info: cityofmilford.com/535/MyMilford



NE Front St. Construction

The water main construction on NE Front St. is nearing completion. Underground piping should be complete by mid-March. Once the weather warms and the asphalt contractors open again, the entire construction area from Rehoboth Blvd. to Bicentennial Park will be patched for a smoother ride. This summer, DelDOT will begin a Streetscape Project, transforming the entire look of that gateway into the City complete with brick sidewalks, crosswalks, sidewalks on both sides of the street and a protected bike lane.

NCS Open to All Residents

What would you like the City Of Milford to focus on? We value your opinions, and want to know your thoughts for upcoming planning and budget decisions. You're invited to give your feedback! Take the survey at <https://polco.us/milford2022op>

Public Utility Education

It is the time of the year when utility bills can fluctuate greatly due to sudden and intermittent weather changes. A cold day or two - that may have driven up an electric bill due to heating - is very easy to forget by the time the utility bill arrives. During extreme heat in the summer, the same thing may occur, increasing the electric bill while residents try to stay cool. Aging and dysfunctional or inefficient appliances along with unseasonable extreme weather fluctuations can cause an electric bill to vary greatly from month to month and year to year.

To that same effect, a pipe leak, a leaky faucet or toilet or a garden hose left on can easily cause a dramatic increase in a water bill.

In cases of both electric and water consumption, the City's meter system monitors residents' water and electric usage and can validate the bill. Customers can request copies of these reports. This assistance is available to help further investigate what may have caused unusual consumption in a residence. Should a customer have questions regarding water and/or electric consumption, the Milford Code of Ordinances allows five days for residents to contact the City to verify the correctness of the bill. In addition, Milford City Code § 222-16 and Appendix B state that the water and electric meter reading shall be the final determination of consumption and hence, the amount is owed in accordance with the fee structure.

Understanding your own household consumption of utilities is important for both conservation and budgeting household expenses. Please visit cityofmilford.com/126/Customer-ServiceTax-Utility-Billing to review options available and to sign up for Swift911, E-payment and receipt of this monthly newsletter electronically.

Employee Spotlight

Katrina White

Deputy City Clerk

1. How long have you worked for the City of Milford? I came back to work for the city 8 years ago, but previously worked here from 1995-2001 before I moved to Atlanta, GA, so about 14 years.
2. Have you always worked in this role? No, I held the position of Police Dispatcher and was the Records Clerk at the MPD. Upon my return, I held the position of Office Assistant at City Hall and later was the Permit Technician in the Planning Department after which I was promoted to Deputy City Clerk.
3. What is your favorite thing about working for the City? I like that I am helping to build and serve the community I live in. I love our city and am excited about the growth that is taking place here.
4. What do you enjoy doing in your free time? I enjoy reading, decorating, crafting, working outside, planting flowers in the spring and spending time with my family.

“Katrina is a high achiever and an employee with several goals that will not only help her career but will also benefit the City. She is always willing to accept any tasks presented, and that flexibility and willingness makes her a great team member to all our employees.”

- Terri Hudson, City Clerk



Council Spotlight

F. Todd Culotta

Ward 2 Councilmember

1. How long have you been a member of the City Council? I have been on the Milford City Council for 3.5 years and I am enjoying every minute of it.
2. What previous city roles have you held? This is my first experience working with the city and I have learned a great deal in a very short period of time.
3. What is your favorite thing about being a Councilmember? Working with my constituents in Ward 2, to be their voice to the city and be a conduit for communication from city operations. I really enjoy the possibility of growth in Milford through adding opportunities for employment and growth of business both retail and professional.
4. What do you enjoy doing in your free time? I really enjoy spending time with my wife and my son, going to the beach and traveling to various places on the Eastern Shore. I also enjoy spending my free time at the shooting range and am an avid firearms enthusiast.



Get Connected.
Get Involved.
Get Results.

MyMilford is the fastest, easiest way for you to submit non-emergency requests to your community, stay updated, and initiate change in your community.



Download on the App Store

GET IT ON Google play

SeeClickFix



INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963

PHONE: 302-422-1098
www.cityofmilford.com

Date: February 1, 2022
To: Mayor and City Council
From: Dale Matthews, IT Director
Re: January 2022 Information Technology Department Staff Report

Below are updates for IT open projects:

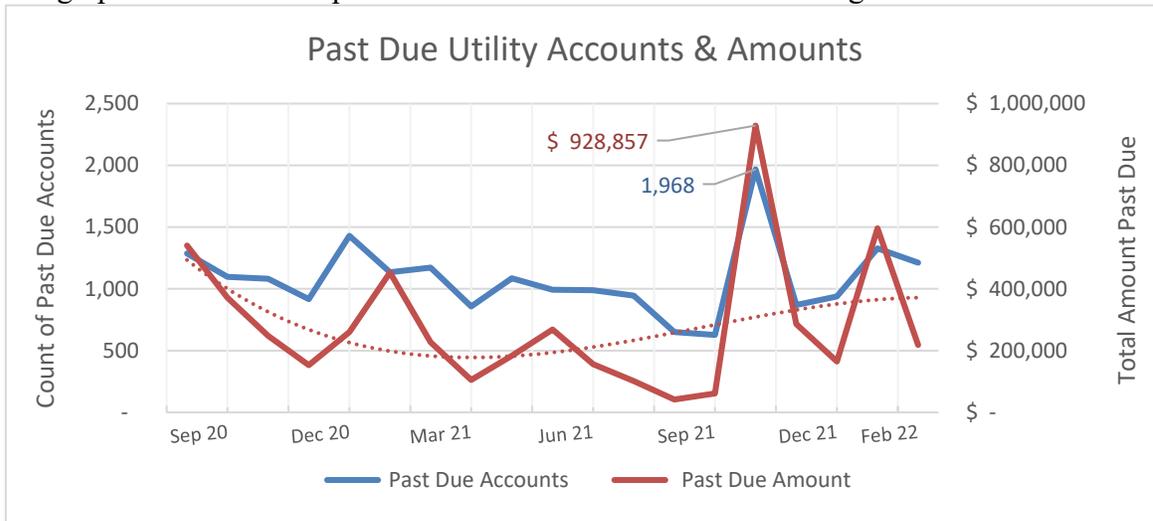
- Security:
 - Two-factor authentication has been implemented, and the related policy has been reviewed and approved.
 - Phishing tests are scheduled. Individuals who fail the tests will be prompted to complete additional training.
- M365 and Cloud:
 - Now that we have migrated our shared files and email, we will focus on providing training to end-users and improving processes.
- Council Livestreaming:
 - Network upgrades have begun, and we are identifying hosting options for livestreaming and council video archives.
- Policies and Procedures:
 - Update: additional policies are under review (Acceptable Use, Use of Data). We are expanding this project to ensure we cover a broader scope of policies. Rather than declare completion, we will provide links to policies and procedures as they are approved.
- ERP Implementation:
 - The ERP kick-off has been moved to March, starting with Finance.
- Network:
 - Due to vendor resource and scheduling issues, Comcast had to push the fiber upgrade back to February. In addition to the fiber upgrade, we are redesigning the network topology. This redesign will improve network performance and reliability.

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: March 7, 2022
Re: February 2022 Finance Department Staff Report

- Monthly Financial Reporting
 - The Finance Reports for the periods ended 12/31/2021 and 1/31/2022 were distributed to Council and approved to kick off the initiative to shorten the financial reporting timeline
- Training and Improvement Efforts
 - Sandra Peck attended the virtual graduation for the Delaware Municipal Leadership program she completed last fall; also participated in a webinar covering SB1 related to paid family leave and a four-hour ethics training course that also meets her CPA license requirements
 - Katti Murphy continued the ongoing payroll processing learning curve with greater independence this month
 - Suzannah Frederick attended LeaderGov's *Problem-Solving Best Practices in Local Government* Workshop
 - Sandra Peck and I represented the Finance Department in an ARPA / Bipartisan Infrastructure Law ("BIL") briefing hosted by the Governor's Office
- Staffing
 - We are once again recruiting for a recently vacated position in Customer Service as well as initiating the search for temporary project implementation support as the Tyler ERP Implementation is underway
- FY23 CIP and Budget Processes kicked off
 - CIP submissions are being returned to the Finance Office for compilation
 - Operating budget templates have been distributed to departmental leadership for input
 - A series of internal budget review meetings have been scheduled in late March/early April
 - The budget schedule for Council Workshops and Meetings follows last year's format closely; the attached memo from City Manager Mark Whitfield recaps key dates
- Police Facility Project – Planning and Design
 - The USDA Financing Application Process remains open
 - Becker Morgan is preparing segments of the application related to environmental, architectural and design components, with staff support
 - The Public Works and Finance teams are coordinating efforts to comply with project inspection, construction manager engagement review and long-term budgeting requirements of the application
- FY21 Audit Process
 - We continue working on the audit requirements and look forward to completing and publishing a successful audit, which has emerged as the department's highest priority
 - We plan on presenting a draft of the unaudited financial statements and reporting package to Council on 3/14/2022
- Billing & Customer Service Department (See Page 2)

- Billing & Customer Service Department, Continued

- Another breakdown in our bill print vendor’s operations caused bill delivery delays for three of the City’s four billing cycles in February; no late fees will be applied for the affected cycles
 - We gained an audience with the firm’s service leadership, who are attempting to identify and correct the root cause of this spring’s failure, which is wholly unrelated to the systemic issues experienced last fall across the globe
- The graph below exhibits past due accounts and balances since August 2020



- The Customer Service team rebounded from the spikes in January attributable to cold weather
 - The dollar amount past due (**solid red line**) is 24% lower than the average for graphed periods and 4% lower than last February
 - The count of accounts having any amount past due (**blue line**) is 13% higher than the average over all periods and 4% higher than last February
- A breakdown of property taxes outstanding follows below with differentiation between the current tax levy and previous tax levies.
- The past due amounts compare favorably in total to the past due amounts reported one year ago¹:

Property Tax Levy	Past Due (\$000) as of:				
	11/1/21	12/1/21	1/3/22	2/1/22	3/2/22
2021 (FY22)	\$279	\$189	\$145	\$131	\$119
2020 & Prior	\$213	\$185	\$173	\$172	\$163
Total	\$491	\$374	\$319	\$303	\$282

Property Tax Levy	Past Due (\$000) as of:				
	11/5/20	12/11/20	1/8/21	2/1/21	3/3/21
2020 (FY21)	\$229	\$133	\$108	\$102	\$95
2019 & Prior	\$250	\$230	\$221	\$218	\$208
Total	\$479	\$362	\$329	\$321	\$303

¹ The amount reported in the FY22 (Maroon) table in the “2020 & Prior” row starting with 2/1/22 excludes \$21,560 in code enforcement amounts transferred to the property tax system during to retain comparability by showing only property tax levies
Page 2 of 2



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

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: Terri Hudson, City Clerk
Lou Vitola, Finance Director
James Puddicombe, City Engineer
Mike Svaby, Public Works Director
Jon McDowell, HR Administrator

Kenneth Brown, Police Chief
Rob Pierce, Planning Director
Brad Dennehy, Parks and Recreation Director
Jamesha Williams, HR Administrator
Sara Bluhm, Economic Development & Community
Engagement Administrator

From: Mark Whitfield, City Manager
Subject: 2023-2027 Capital Improvement Plan and 2023 Operating Budget
Date: February 9, 2022

2023 – 2027 Capital Improvement Plan (CIP)

A working copy of the CIP will be sent to you by February 4, 2022. Please update your section of the spreadsheet by color coding in **RED** any project that has been completed, and in **BLUE** any new, updated, or added project. Any project with no change should remain in **BLACK**. Use the drop-down in the rightmost column to indicate how the proposed project aligns with the City of Milford Strategic Plan.

The deadline for Capital Improvement Plan submittal is end of day **FRIDAY, FEBRUARY 25, 2022**.
The timeline for the CIP process follows:

- February 9, 2022 – Transmittal of CIP form.
- February 25, 2022 – All CIP information and supporting documentation due to Sandra Peck
- March – Review, question, build spreadsheet, prepare presentation (Sandra//Lou/Mark)
- April 20, 2022 – CIP Draft to City Council for Wednesday Night Finance Workshop
- April 25, 2022 – Council adopts 2023-27 CIP with funding addressed in 2023 Operating Budget.

2023 Operating Budget (FY23 O&M)

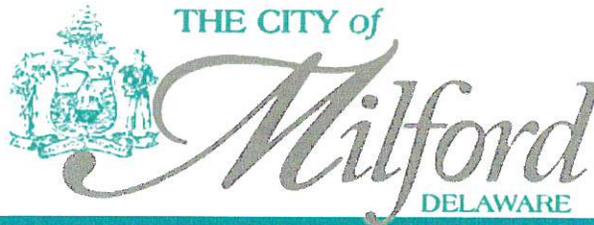
Worksheets and information for the 2023 Operating Budget will be distributed in March. The deadline for department budget submissions is **WEDNESDAY, MARCH 23, 2022**. Council review of the budget will be in May with final adoption in June. The timeline for the Operating Budget follows:

- February 28, 2022 – Worksheets distributed to supervisors
- March 23, 2022 – All worksheets and supporting documentation due to Sandra Peck
- April – Review and update spreadsheets (Sandra/Mark); Tax Rev & Utility Margin (Lou)
- April 11-15, 2022 – Supervisors meetings/questions (Mark/Sandra)
- April 18 - May 2, 2022 – Finalize and prepare budget for presentation (Sandra/Mark)
- May 2, 2022 – New council sworn in
- May 6, 2022 – Draft FY23 Operating Budget to Clerk for distribution to City Council
- May 16, 18-19, 2022 – Evening budget workshops with City Council (two evenings TBD)
- June 6, 2022 – Final FY23 Budget distributed to City Council
- June 13, 2022 – FY23 Budget adoption by City Council

Please reserve the calendar dates for the proposed meetings. If you have a scheduling conflict for meeting dates, please let me know at your earliest convenience.

Draft FY21 Audit/Update

PUBLIC WORKS FACILITY
150 Workers Drive
Milford, DE 19968
www.cityofmilford.com



DIRECTOR MICHAEL J. SVABY
☎ 302.422.1110 EXT. 1173
☎ 302.397.9039
msvaby@milford-de.gov

March 7, 2022

FROM:  Steve Ellingsworth, Public Services Superintendent

TO: Mayor and Council

THRU:  Michael Svaby, Director, Public Works

DATE: March 7, 2022

The attached quote from Hertrich Fleet Services is valid thru March 31, 2022. It reflects an updated price for replacement of Vehicle W-8, currently in the FY 22 CIP at an estimated replacement cost of \$52,000 (best estimate at the time). **The** updated quote reflects an increase from the estimated FY 22 CIP Budget input of \$20,000.

Public Works and Finance Staff have worked together and recommend this funding be appropriated from Water Reserves so that Public Works can proceed with the scheduled vehicle replacement.

HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963

Ford - Chevrolet - Dodge - Jeep
Lincoln - Honda - Buick - GMC - Toyota - Nissan

(800) 698-9825

(302) 422-3300

Fax: (302) 839 0335

	FULL PLATE COMBO HITCH WITH 2" BALL AND ICC BUMPER 16,000 LB CAPACITY	
	PLUG, 7 PRONG FLAT TRAILER - 2020 FORD	
	BACK UP ALARM 102DB	
	POLY FENDERS FOR 16 - 19.5" DUAL REAR WHEELS	
	LIGHTBAR & LED's <ul style="list-style-type: none"> • 54" WHELEN LIBERTY II SOLO LIGHT BAR TO ROOF OF VEHICLE USING MOUNTING BRACKETS <ul style="list-style-type: none"> ➤ ALL MODULES FILLED WITH AMBER LED STROBES • 2 BUYERS 6.5" OVAL AMBER LED STROBES <ul style="list-style-type: none"> ➤ IN FRONT OF CABSHIELD • 2 BUYERS 6.5" OVAL AMBER LED STROBES ONE <ul style="list-style-type: none"> ➤ ON EACH SIDE OF THE CABSHIELD • 2 BUYERS 6.5" OVAL AMBER LED STROBES IN REAR OF BODY (REPLACES TAIL LIGHT IN REAR OF BODY) 	
	SUPPLY AND INSTALL A 9' PRO PLUS WESTERN ULTRAMOUNT SNOWPLOW <ul style="list-style-type: none"> • NIGHTHAWK HEADLIGHT KIT, HALOGEN, STANDARD WITH PLOW • MULTI-POSITION PLOW HAND HELD CONTROLLER 	
	INSTALL RUBBER CUTTING EDGE 9' X 1"	
	30"x18"x18" STEEL UNDERBODY TOOLBOX MOUNTED ON THE CURBSIDE	
	MSRP \$74,505	
	Grand Total w/ All Fleet & Government Incentives	\$62,927
	ADD-ON OPTIONAL ITEM	
OPT	WESTERN RUBBER DEFLECTOR 8.5' AND 9' BLADES	\$275

Please contact me with any questions, changes or to place an order. I look forward to hearing from you.

Respectfully submitted,
Billy Johnson

$\Delta 62,927$
 $+ 9,000$
\$71,927

New Price

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, March 15, 2022 @ 7:00 PM
City Council Hearing: Monday, March 28, 2022 @ 7:00 PM

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 2022-11

Application of Shawnee Farm LLC for the Preliminary Major Subdivision (Phase III) of 91.69 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Cypress Hall (Residential). Property is located on the west side of US Route 113 approximately 3,100 feet south of the Shawnee Road intersection in Milford, Delaware.

Present Use: Vacant; Proposed Use: Planned Unit Development

Tax Map: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford to amend the Planned Unit Development Master Plan by modifying the unit count and mix; and

WHEREAS, the owners are also seeking Preliminary Major Subdivision approval of Cypress Hall Phase III; and

WHEREAS, the City of Milford Planning Commission has considered the application at a Public Hearing that allowed public comment on Tuesday, March 15, 2022; and

WHEREAS, Milford City Council held a Public Hearing on Monday, March 28, 2022, that allowed for additional review and public comment at which time a final determination was made.

NOW THEREFORE BE IT RESOLVED, by the City of Milford:

In accordance with Chapter 200 of the City of Milford Code, the City Council hereby finds and determines, as follows:

- Section 1. The Planned Unit Development Master Plan is consistent with the objectives, policies, general land uses and programs in the City of Milford Comprehensive Plan, Subdivision and Zoning Codes, in that it establishes obligations and conditions for the implementation of the Cypress Hall Development.
- Section 2. The Preliminary Major Subdivision Phase III Plan is in conformity with public convenience, general welfare and good land use practice.
- Section 3. The Final Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of the community.
- Section 4. These changes and additions will not adversely affect the orderly development of adjacent properties and will maintain the preservation of property values.
- Section 5. Dates.
 - City Council Introduction: March 14, 2022
 - Planning Commission Review & Public Hearing: March 15, 2022
 - City Council Public Hearing: March 28, 2022
 - Effective: Ten Days Following Adoption by City Council

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

02.25.22

Published:

Delaware State News 02.28.22

Milford Beacon 03.02.2022

**CITY OF MILFORD
NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, March 15, 2022 @ 7:00 PM

City Council Hearing: Monday, March 28, 2022 @ 7:00 PM

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 2022-12

Charles Holland on behalf of Buccaneer Car Wash for a Revised Conditional Use
0.989 +/- acres of land located along the east
side of N. Dupont Boulevard and the west side of N. Walnut Street
Address: 916 N. Dupont Boulevard
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present & Proposed Use: Car Wash
Tax Map & Parcel: MD-16-174.14-01-16.00

WHEREAS, the applicant proposes to redevelop the existing Buccaneer Carwash located at 916 N. Dupont Boulevard as shown on the Preliminary Site Plans located at the City Public Works Facility, 180 Vickers Drive, Milford; and

WHEREAS, Chapter 230-14(C)(13) states a “car wash, all types (staffed, automatic, self-service, etc.)” are a conditional use subject to special requirements set forth by City Council.; and

WHEREAS, the City of Milford Planning Commission has considered the application during their regular meeting on March 15, 2022, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on March 28, 2022, allowing for additional public comment, after which time the majority members of City Council voted to approve the Conditional Use by adopting this ordinance; and

WHEREAS, the notice as required by Chapter 230, was published in the Delaware State News on February 28, 2022, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon adoption of this ordinance, a conditional use permit is hereby granted to Charles Holland on behalf of Buccaneer Car Wash allowing the redevelopment of a Car Wash at 916 N. DuPont Boulevard, Milford, Delaware.

Section 2. Construction shall commence within one year of the date of issuance of the permit, otherwise the conditional use becomes void.

Section 3. Dates.

City Council Introduction: March 14, 2022

Planning Commission Review & Public Hearing: March 15, 2022

City Council Public Hearing: March 28, 2022

Effective: Ten Days Following Adoption by City Council

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

02.25.22

Published:

Delaware State News 02.28.22

Milford Beacon 03.02.2022

**CITY OF MILFORD
NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, March 15, 2022 @ 7:00 PM

City Council Hearing: Monday, March 28, 2022 @ 7:00 PM

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 2022-13

Halpern Family Series, LLC – Teal Creek on behalf of Teal Creek Plaza for a Conditional Use
5.04 +/- acres of land located along the west side of N. Dupont Boulevard approximately 125 feet south of Rogers Drive
Address: 701-715 N. Dupont Boulevard
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present Use: Shopping Center & Vacant Proposed Use: Shopping Center
Tax Parcels: MD-16-174.17-01-26.00 & 27.02; MD-16-183.05-01-01.00

WHEREAS, the applicant proposes to expand the existing Teal Creek Shopping Center by constructing a 14,347 +/- square foot addition and associated parking lot at the above referenced parcels and as shown on the preliminary site plans located at City Public Works Facility, 180 Vickers Drive, Milford; and

WHEREAS, • Chapter 230-14(C)(11) states a “shopping center” is a conditional use subject to City Council review and approval; and

WHEREAS, the City of Milford Planning Commission has considered the application during their regular meeting on March 15, 2022, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on March 28, 2022, allowing for additional public comment, after which time the majority members of City Council voted to approve the Conditional Use by adopting this ordinance; and

WHEREAS, the notice as required by Chapter 230, was published in the Delaware State News on February 28, 2022, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon adoption of this ordinance, a conditional use permit is hereby granted to Halpern Family Series, LLC – Teal Creek on behalf of Teal Creek Plaza, to allow for the expansion of the Teal Creek Shopping Center and Parking Lot; at 701-715 N. DuPont Boulevard, Milford, Delaware.

Section 2. Construction shall commence within one year of the date of issuance of the permit, otherwise the conditional use becomes void.

Section 3. Dates.

City Council Introduction: March 14, 2022

Planning Commission Review & Public Hearing: March 15, 2022

City Council Public Hearing: March 28, 2022

Effective: Ten Days Following Adoption by City Council

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

02.25.22

Published:

Delaware State News 02.28.22

Milford Beacon 03.02.2022

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, March 15, 2022 @ 7:00 PM
City Council Hearing: Monday, March 28, 2022 @ 7:00 PM

Formatted: Font: (Default) Times New Roman

Formatted: Centered

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,

Formatted: Font: (Default) Times New Roman

ORDINANCE 2022-14
Amending Chapter 197 Streets & Sidewalks

Formatted: Centered, Space After: 0 pt, Don't add space between paragraphs of the same style, Line spacing: single

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

Formatted: Centered

Formatted: Font: (Default) Times New Roman

WHEREAS, the Mayor and City Council desire to delete Chapter 197- Streets and Sidewalks in its entirety and replace with Chapter 197 - Streets, Sidewalks, Storm Sewers and Other Public Places to update regulations for the permanent and temporary use of the rights-of-way, construction of utilities and sidewalks, and establish procedures for the creation and abandonment of public rights-of-way; and

WHEREAS, the City of Milford Planning Commission had a review and recommendation during their meeting on Tuesday, March 14, 2022, at which time interested parties publicly commented on the amendment; and

WHEREAS, Milford City Council held a Public Hearing on March 28, 2022, to allow for additional public comment and further review of the amendment.

NOW, THEREFORE, the City of Milford hereby ordains: ~~Chapter 197 – STREETS, SIDEWALKS, STORM SEWERS AND OTHER PUBLIC PLACES~~

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

Section 1. Purpose: The Code of the City of Milford is hereby amended to repeal in its entirety, the current version of the Chapter 197, entitled Streets and Sidewalks.

Section 2. A new Chapter 197, entitled Streets, Sidewalks, Storm Sewers, and Other Public Places, will inserted.

Section 3. The new provisions of Chapter 197 will read as follows:

Commented [HT1]:

Formatted: Font: (Default) Times New Roman, 11 pt

Chapter 197 – STREETS, SIDEWALKS, STORM SEWERS AND OTHER PUBLIC PLACES

Formatted: Font: (Default) Times New Roman

ARTICLE I - General Provisions

§ 197-1. - Purpose.

Formatted: Font: (Default) Times New Roman

This chapter defines the use, maintenance and installation requirements of sidewalk, entrances, storm sewer, streets and alleyways.

§ 197-2. - Definitions.

Formatted: Line spacing: single

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right-of-way.

AWNING - A piece or several pieces of canvas, plastic, metal or similar material joined together and stretched over or attached to a frame to be affixed to the exterior of a building in front of a window or doorway for the purposes of providing protection from the sun or weather, for ornamentation of the building and/or for display of a business name or logo type.

Formatted: Line spacing: single

CANOPY - A roof-like structure, projecting from a wall or supported on pillars, for the purposes of providing protection from the sun or weather, ornamentation of the building and/or display of a business name or logo type.

CITY ENGINEER — The City Engineer of the City of Milford or their duly authorized representative.

CITY MANAGER – The City Manager or their duly authorized representative.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the City of Milford or their duly authorized representative.

DRAIN – means any pipe which carries water in a drainage system.

Formatted: Line spacing: single

DRIVEWAY APPROACH — That portion of the driveway between the curb and the property line.

PANEL — Any defined section by joints, or score marks or an approximate square when joints do not exist.

PRIVATE STORM SEWER – means any storm sewer not within the City ROW or otherwise dedicated to and accepted by the City.

Formatted: Line spacing: single

PROPERTY OWNER — Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.

PUBLIC — Any facility within the public right-of-way between the property line and street curb and surfacing.

PUBLIC STORM SEWER – means any storm sewer owned by the City.

Formatted: Line spacing: single

STORM SEWER – means any system used for conveying rain water, stormwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.

§ 197-3. Authority to temporarily close streets and sidewalks.

- A. The City Manager shall have the authority to temporarily close or block streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public's safety or to conduct work on streets or sidewalks.
- B. Notification shall be provided to Milford Police Department, City Departments and the Carlisle Fire Company.
- C. Any street or sidewalk closure that occurs requires proper maintenance of traffic, pursuant to the guidelines in the most recently amended Delaware Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), and sidewalk accessibility, pursuant to the guidelines laid out by the Americans with Disabilities Act.
- D. Any roadway, lane or sidewalk closure request having direct and indirect impacts on a State of Delaware right-of-way must inform the Special Events Manager with the Delaware Department of Transportation Traffic Safety Section.
- E. Emergency closures performed by emergency personnel including Police, Fire and Ambulatory Services are not required to gain permission from the City Manager to obstruct streets and sidewalks immediately preceding, during and shortly following emergency circumstances but shall strive to maintain traffic control in a safe manner.

§ 197-4. Right of Way Use and Construction Permits.

- A. Temporary occupation of the right of way. No person shall occupy or place any object, building or structure that occupies the right of way on a temporary basis without first obtaining written approval from the City Manager or designee for that purpose.
- B. Permanent occupation of the right of way.
 - (1) No person shall occupy or place any object, building or structure that occupies the right of way on a permanent basis without first obtaining written approval from the City Manager for that purpose. The right of way may not be permanently occupied for any reason except for provision of proper access to buildings or improvements to protect buildings after gaining written approval from the City Manager.
 - (2) Placement of canopies and awnings within rights-of-way.
 - (a) APPLICABILITY – The provisions of this section shall apply only to commercial establishments located within commercial zoning districts.
 - (b) WRITTEN APPROVAL REQUIRED – It shall be unlawful for any person to construct, erect or affix any canopy or awning which is situated within or encroaches upon any right-of-way owned or maintained by the city, unless and until such canopy or awning placement shall have been approved by the city manager. Prior to review and action by the city manager, the department of planning shall review each application. Concluding its review, the department of planning shall make a recommendation on each application under this section and forward its findings and recommendation to the city manager, in writing, for review and consideration.
 - (c) MAINTENANCE – Any such canopy or awning shall be maintained in good condition. If, upon inspection by the building inspector, such canopy or awning is determined by the building inspector to be in a state of disrepair or is otherwise in violation of the original approval, the applicant, owner or other responsible person shall be given reasonable notice by the building inspector to undertake corrective action.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

Failure to restore such canopy or awning to an acceptable condition or to otherwise comply with the original approval may, upon order of the city council, result in the removal of the canopy or awning at the property owner's expense.

(d) CONDITIONS – The city council may impose any additional conditions as it may deem necessary to protect the best interests of the city, its citizens and surrounding properties.

(e) RESPONSIBILITY – The applicant, owner or other responsible person shall enter into a written agreement with the city council to accept full responsibility for persons or property injured as a result of the canopy or awning and to completely indemnify and save harmless the city from any liability of any nature whatsoever regarding the canopy or awning.

C. Entrance Construction.

- (1) It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the City Manager.

D. Sidewalk Construction.

- (1) Installation of all curbs, sidewalks, and gutter shall be made in compliance with the City of Milford Standard Construction Specifications, most recent edition, available on the City website. Written approval from the City shall be required prior to any work being performed.

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman, 11 pt

E. Excavation or Placement of Utilities.

- (1) No person shall injure or tear up any pavement, dig any hole, ditch or drain in, or dig or remove any soil, stone, earth, sand, or gravel from any street, public alley or public ground in the city, without having first obtained a written permit from the City Manager given in accordance with the provisions of this chapter.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

F. Permit or License Fee. A person desiring a permit required by the provisions of this chapter shall pay such fee as may be established by the City Council.

G. No permit shall be issued to any person permitting or allowing the opening or the making of an excavation in any street, sidewalk, public alley or public place, or any part thereof, until the person making application for such permit shall have first executed to the city a good and sufficient bond in the amount of 100% of the cost of the construction work, with sureties to be approved by the City Manager, conditioned to indemnify and keep harmless the City from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the City may suffer or to which it may be put or which may be recovered from it or on account of the issuance of such permit or from or on account of any act or thing done by virtue of the authority given in such permit or by reason of careless or improper guarding of said openings or excavation, or for any damage, loss or expense to any person caused by or on account of the obstruction of any street, sidewalk, public alley, or public space, or the tearing up, repairing or removing of such street, sidewalk, public alley or public place, or part thereof. Upon satisfactory completion of construction work, a maintenance bond in the amount of 10% shall be retained for a period of one-year for the completed work within the right-of-way.

§ 197-5. Responsibilities of Property Owners or Tenants.

- A. Property owners shall be responsible for maintaining, repairing, or replacing sidewalks adjacent to their property, and for keeping sidewalks in good repair, in safe condition, free of snow, ice, and vegetation, and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility. The City is responsible for repair of ADA curb ramp at intersections; however, the property owner is responsible for the clearing snow, ice, and vegetation.
- B. It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 12 hours of daylight after it has ceased snowing, or to permit debris or other materials to accumulate at any time so that pedestrians cannot conveniently and safely pass.
- C. It is the responsibility of the owner or occupant of any premises abutting upon a sidewalk to keep the landscaped area between the sidewalk and the curblin, or where no sidewalk exists between the property line and curblin or paved street, maintained in accordance with the standards set forth in the Property Maintenance Code of the City of Milford Chapter 174.
- D. It shall be unlawful to sweep, blow or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course more than incidental amounts of grass.
- E. All persons occupying commercial establishments or premises fronting on any street or public place shall keep the sidewalk immediately front of the premises clear of debris or other materials so that pedestrians may conveniently pass, and shall not sell, display or advertise goods or services on the sidewalk. Further, upon obtaining special permission from the City Manager (or his/her designee), such persons may utilize, for the display of merchandise, areas within the sidewalk right-of-way.
- F. It shall be unlawful and a nuisance for any person to obstruct or obscure, or permit to be obstructed or obscured, the light from any streetlight erected by the authority of the city, by erecting any object upon or over any street or sidewalk. If, within five days after receiving a notice from the City Manager to remove the obstruction, the violator fails to comply with the notice, the City Manager shall proceed to have the obstruction removed and shall charge the cost of removal to the violator.
- G. The following clearances must be maintained for the proper flow of vehicular and pedestrian traffic along all streets and sidewalks.
 - (1) Vision Clearance Areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of right-of-ways, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. Trees, bushes and other vegetation shall be maintained as to not obscure an intersection vision clearance. No fences or other structures shall be erected as to interfere with the required vision clearance.
 - (2) Vehicle Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 14 feet of vertical clearance between the street and the bottom of the vegetation to allow the safe passage of vehicular traffic.
 - (3) Pedestrian Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 8 feet of vertical clearance between the sidewalk and the bottom of the vegetation to allow the safe passage of pedestrians and a minimum passing area the width of the sidewalk or 3 feet whichever is greater.

Formatted: Line spacing: single

H. Violations; penalties. Any person(s) violating any provision of this section shall be fined as provided for in the Code of the City of Milford, Chapter 1, General Provisions.

§ 197-6. Speed reduction devices.

- A. Prohibited. Any device used as a means of speed reduction on a city street, drive, parking lot, or any other driven surface, which causes a change in elevation is prohibited unless permission from the City Manager is obtained.
- B. Permitted. Speed cushions may be installed on privately owned commercial property, at the owner's expense.
- C. Installation and Design Standards. Installation and design standards for speed reduction devices shall be in accordance with the Delaware Traffic Calming Design Manual.

§ 197-7. - Litter, refuse, and debris.

- A. It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.

(1) Exception. Items permitted and regulated in Chapter 193.

§ 197-8. - Throwing and kicking objects and playing games in streets.

- A. It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager. Basketball hoop standards, skate board ramps, hockey nets, soccer goals, and other such devices shall not be placed within the street or right-of-way.

ARTICLE II – Streets and Right of Way

§ 197-9. Street Design.

- A. All streets construction, including pavement section, curb ramps, curb cuts and other right-of-way improvements shall be in accordance with Chapter 200 Subdivision of Land and the City's Standard Construction Specifications.

§ 197-10. Street name change procedure

- A. Recognizing that changing the name of a city street already named is a complicated and expensive procedure affecting many departments and many persons, the following procedure is adopted:
 - (1) PETITION – In order to initiate the procedure for changing the name of an existing street, a petition of other formal request must be received from a majority of the property owners abutting on the street in question, which documentation must be submitted to the Planning Director for further processing. The Planning Director shall verify that the requirements of a majority of the owners has been met. If the petition or other documentation does not meet this requirement, then the request shall be summarily dismissed by the city clerk and the person or persons presenting such request shall be notified.
 - (2) COMMENTS TO COMMITTEE – Once the requirements of subsection (1) of this section have been met, the Planning Director shall refer the request to the development advisory committee (DAC) to obtain comments of all involved parties, specifically including the

Formatted: Line spacing: single

Formatted: Line spacing: single

police department, fire department, public works department, department of planning and city manager. The response from the DAC shall be submitted to the city clerk.

- (3) PLANNING COMMISSION REVIEW – The Planning Director shall refer the petition and the DAC comments directly to the planning commission for its review and recommendation regarding the request. No public hearing is required before the planning commission and the planning commission shall recommend approval of the change of name or disapproval of the change of name, along with its reasons.
- (4) NOTICE OF HEARING – Upon recommendation from the Planning Commission, a public hearing shall be scheduled for a regular council meeting regarding the request, and notice of the public hearing shall be given by placing such notice in one edition of a local newspaper, to be published at least ten days prior to the date of the public hearing before the city council.
- (5) COUNCIL HEARING – The council shall hear public comments, and shall, at the conclusion of the public hearing, vote to approve the change of name or to disapprove the change of name. An affirmative vote to change the name shall require an affirmative vote of two-thirds of all persons elected to the council. If the change of name is granted, then notifications thereof shall be given to the city manager to implement the name change.

§ 197-11. Street Abandonment, Vacation, Auction or Sale

- A. Definition. For purposes of this section, “Street” or “Public Street” shall consist of the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the City of Milford. “Street” does not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).
- B. Power of the City Council to Abandon, Vacate, Sell or Auction Public Streets. City Council has the power and authority to abandon, vacate, sell or auction public streets or parts thereof, whenever City Council may deem it to be in the best interest of the City of Milford. The adjacent landowners of record have the first right to purchase or acquire any street being sold or auctioned by the City of Milford.
- C. Procedure. For any action taken under this section, the procedure to be followed is as follows.
 - (1) Upon its own motion, or upon a petition of the majority of the adjacent landowners to the street, the City Council may adopt a Resolution that identifies the street or any portion thereof and states the action being considered. The Resolution must include a general description of the street, and the time, place and date of the hearing when City Council will consider the matter and allow any interested parties to appear and comment thereon.
 - (2) A copy of said Resolution shall be sent via certified mail to all adjacent landowners of record, the county in which the street is located, and the Delaware Department of Transportation at least 10 days before the scheduled hearing.
 - (3) A copy of the Resolution shall be published in a newspaper of general circulation within the City of Milford once a week for two consecutive weeks prior to the date fixed for the hearing.
 - (4) City Council may, following the hearing affording any interested persons an opportunity to be heard, take any such action by adoption of a resolution that must provide a legal description of such street or portion thereof and state whether such street or portion thereof to be abandoned, vacated, sold or auctioned.

- (5) Upon adoption of the resolution, the street as described will cease to exist as a public street. If the action taken involves the vacation or abandonment of the street, the persons entitled to enclose the street may proceed to use and occupy the vacated street. The City of Milford may convey to any purchaser or adjacent landowner any interest the City of Milford may have in the street.

Article III – Curb Cuts.

§ 197-12. Entrance Permit Required.

- A. It shall be unlawful for any person to alter the curb of any street without a permit issued by the city manager or designee.
- B. Entrances shall comply with the requirements of Chapter 230 Zoning and the City’s Standard Construction Specifications.

Article IV – Sidewalks.

§ 197-13. Sidewalk Specifications.

- A. Sidewalks shall be located as outlined in Chapter 200 Subdivision of Land and meet the requirements of the City’s Standard Construction Specifications.
- B. The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

§ 197-14. - Responsibility of installation.

- A. In all new construction sites and subdivisions, the City shall require the builder or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.
- B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City Engineer for permission to install said improvements. The City, at it’s own discretion, may install curb and gutter at the City’s expense. Upon approval of the City Engineer, the property owner may install sidewalks at their own expense. The City Engineer shall provide lines and grades, in writing, for said installations.
- C. The City Council may order the installation of sidewalks at existing residents and commercial businesses, where sidewalks do not exist, at the property owner’s expense, and the property owner shall, within 365 days, shall make the improvements.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

§ 197-15. - Responsibility for costs; financing.

- A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction. Where the City Council has waived the requirement for sidewalk installation a fee shall be assessed in the approximate amount of installation costs to be placed into escrow for construction by the City at a future date.
- B. In instances where sidewalk installation, repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.
- C. Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.

Formatted: Line spacing: single

D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

§ 197-16. - Specifications

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

§ 197-17. - Conditions requiring repair or removal and replacement of sidewalks.

All City sidewalks shall be maintained in compliance with current American with Disabilities Act requirements. In addition, sidewalks exhibiting a likelihood of failure within a 4 year period such as those with extensive cracking or heaving may require replacement prior to falling out of ADA compliance. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

§ 197-18. - City to perform work.

- A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.
- B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.
- C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.
- D. Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

Formatted: Line spacing: single

§ 197-19. - Stop orders.

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this chapter or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

§ 197-20. - Liability.

Nothing in this chapter, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

Formatted: Font: (Default) Times New Roman

Formatted: Line spacing: single

ARTICLE V - Storm Sewers

§ 197-21. General

- A. It shall be unlawful for any person to tap or have tapped any public storm sewer without a permit from the City Manager.

Formatted: Line spacing: single

- B. Public storm sewers shall be designed and constructed according to the City's Construction Standards and Specifications and Delaware Stormwater Management Regulations.

§ 197-22. Prohibited discharges into system.

- A. It shall be unlawful for any person or group of persons to throw, place or deposit, or attempt to throw, place or deposit, or cause to be thrown, placed or deposited, any article, object or substance in any of the storm sewers or into any of the inlets into the storm sewers of the city, or into any of the streets, lanes, alleys or gutters of the streets in the city from which such article, object or substance would be likely to enter into the storm sewers of the city, which object, or substance would injure in any manner said storm sewer system or area into which such storm sewers empty.

§ 197-23. Authority to enter and inspect private property.

- A. The City Manager and their authorized agents shall have the authority to enter upon any lands as may reasonably be necessary to discharge their duties pursuant to this chapter. Pursuant to the entry, the city manager and their authorized agents shall properly discharge their duties, which may include inspection, conveyance or removal of materials necessary for construction upon the land or improvement or repair of any drain, gutter, storm sewer, manhole or natural watercourse.

§ 197-24. Violations.

- A. Whenever the City Manager or their authorized agents shall determine that a condition exists which violates any portion of this chapter, the City Manager or their authorized agents shall notify the property owner or occupant of the specific violation.
- B. Unless the condition is remedied within ten days after notice is given, the city may cause the condition to be remedied and assess the cost thereof against the property owner.
- C. Any person violating any of the provisions of this chapter shall, upon conviction therefore, pay to the city the cost of any of the repairs resulting from the violation and be subject to the penalty provided in Chapter 1 General Provisions.

ARTICLE VI - Excavations.

§ 197-25. Interference with traffic or property.

- A. The holder of a permit issued pursuant to this chapter shall take all appropriate measures to ensure that, during the performance of the excavation work, traffic conditions shall be maintained as nearly normal as practical at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

§ 197-26. Fire hydrants.

- A. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants.

§ 197-27. Drainage.

- A. The holder of a permit issued pursuant to this chapter shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

§ 197-28. Barricades.

- A. All street and sidewalk excavations shall be properly protected by a fence or suitable barrier, and if left open at night, in order to prevent injury to pedestrians or vehicles using the street or sidewalks, by proper lights.

§ 197-29. Repair of excavated areas.

- A. When any excavation is made in a street or sidewalk, all earth and other materials taken up shall, when the work is completed, be replaced by the person making the excavation. The earth shall be rammed solid so as to be even with the street level and all paving shall be replaced so that the street or sidewalk shall be in as good or better condition than before the excavation. Replacement work shall be under the supervision of the city manager and, if he deems that it is improperly done, he shall cause it to be properly done, charging the costs thereof to the person responsible.

§ 197-30. Required Inspections.

- A. The City Manager shall make such inspections as are reasonably necessary to enforce this chapter. He shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

ARTICLE VII – Wireless Facilities within Rights-of-Way.

§ 197-31. Applicability. The provisions of this section shall apply to the use of rights-of-way as dedicated to the city or as otherwise maintained by the city.

§ 197-32. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

WIRELESS COMMUNICATIONS FACILITY (WCF) – An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

§ 197-33. Permit Required.

- A. It shall be unlawful for any person to construct, erect or affix any wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city, unless and until such use of the right-of-way shall have been approved. A rights-of-way use permit shall be obtained from the city manager or their designee.
- B. Each application for permit shall be accompanied by a fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- C. Each wireless support structure not owned or maintained by the city located within or that encroaches upon any right-of-way owned or maintained by the city shall be subject to an annual fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- D. Construction, erection or placement of any wireless communication facility or wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city shall be in accordance with the provisions of Chapter 230 Zoning, Chapter 88 Building Construction, Appendix A Electric Rules and Regulations and other applicable City, State or Federal Regulations.

ARTICLE VIII – Public Utilities

§ 197-34. Public Utilities.

- A. Placement of any public utilities within the public right-of-way, either underground or overhead, shall obtain a permit from the Public Works Department as outlined in Article I of this Chapter.
- B. Public utilities shall be subject to a franchise agreement as approved by City Council.
- C. It shall be unlawful for any person, company, city employee, or any employee of a contractor engaged by the city, to make an attachment to or within Milford Electric Division (MED) facilities without a valid, existing pole, duct, or conduit license agreement. All new or renewed pole, duct, or conduit license agreements with the MED shall be adopted pursuant to this chapter. The provisions of this chapter shall be deemed incorporated in each such agreement and shall be limited in scope or application only to the extent agreed by the parties or required by applicable federal or Delaware law. Notwithstanding the foregoing, MED may at its option enter into a joint use agreement with another utility that owns or controls poles that are utilized by MED; in such instances the terms of such joint use agreement may vary from the specifications of this section to the extent reasonable to reflect the reciprocal nature of the joint use agreement.

Section 4. Dates.

City Council Introduction: March 14, 2022

Planning Commission Review & Public Hearing: March 15, 2022

City Council Public Hearing: March 28, 2022

Section 5. Ordinance is Effective Ten Days Following Adoption by City Council

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

02.25.22

Published:

Delaware State News 02.28.22

Milford Beacon 03.02.2022

Formatted: Space After: 0 pt, Don't add space between paragraphs of the same style, Line spacing: single

Formatted: Font: (Default) Times New Roman

Formatted: Space After: 0 pt, Don't add space between paragraphs of the same style, Line spacing: single

Formatted: Section start: Continuous

Chapter 197 STREETS AND SIDEWALKS

ARTICLE I Curb, Gutter and Sidewalk Installation and Maintenance

§ 197-1. Purpose.

These guidelines shall be used to determine when and to what extent public sidewalk, driveway approach, and alley approach repair shall be required. Repair or removal and replacement shall be required whenever a public sidewalk, driveway approach, or alley approach is in a hazardous or unsafe condition. A hazardous or unsafe condition shall be determined by the limits as set forth in these guidelines in conjunction with the judgment of the City Engineer or designated representative.

§ 197-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right-of-way.

CITY ENGINEER — The City Engineer of the City of Milford or his duly authorized representative.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the City of Milford or his duly authorized representative.

DRIVEWAY APPROACH — That portion of the driveway between the curb and the property line.

PANEL — Any defined section by joints, or score marks or an approximate square when joints do not exist.

PROPERTY OWNER — Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.

PUBLIC — Any facility within the public right-of-way between the property line and street curb and surfacing.

§ 197-3. Responsibility of installation.

A. — In all new construction sites and subdivisions, the City shall require the builder and/or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.

B. — Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City, in writing, for said installation. The City Council shall, within 60 days, notify the owner or proprietor making the request of the feasibility of installation of the improvements.

§ 197-4. Responsibility for maintenance.

In all instances, property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition and free of vegetation and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility.

§ 197-5. Responsibility for costs; financing.

A. — In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction.

- B. — In instances where sidewalk repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.
- C. — Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.
- D. — Property owners who meet the low income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

§ 197-6. Specifications; written approval required.

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition. Written approval from the City shall be required prior to any work being performed.

§ 197-7. Conditions requiring repair or removal and replacement of sidewalks.

The following is the criteria by which a sidewalk is considered hazardous or unsafe and therefore requires repair or removal and replacement. Repairs or removal and replacement may be required based on any one of the items individually or a combination of the items. These criteria should be used as guidelines, with judgments and discretion of the City Engineer or designated representative used in their application. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair; however, removal and replacement of complete panels is required when any of the following conditions exist:

- A. — A vertical separation of more than one inch at either a joint or crack.
- B. — A horizontal separation of one inch or more at either a joint or crack.
- C. — The cross slope of sidewalks is greater than 3/4 inch per foot (1:16).
- D. — Insufficient cross slope or misalignment.
- E. — Water ponds due to insufficient cross slope or misalignment. If the problem is corrected by modifications to adjacent landscaping or obstruction, then the removal and replacement may not be required.
- F. — Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.
- G. — Severe cracking resulting in multiple loose or unstable individual pieces within a panel.

§ 197-8. Grinding.

Grinding is required when any of the following conditions exist:

- A. — A vertical separation between 1/2 inch to one inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces four inches or more in width shall be roughened.

§ 197-9. Other conditions: tree roots.

The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult the City of Milford Arborist regarding these options.

- A. — The sidewalk may be removed around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.
- B. — The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed one inch per foot (1:12).
- C. — The sidewalk may be removed and replaced after the tree roots have been pruned.

D. — Prior to the removal of a tree within a public right of way the City Arborist shall be consulted. The removal of a tree in the public right of way should be considered only if other remedies are impractical.

~~§ 197-10. City to perform work.~~

A. — Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.

B. — All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.

C. — The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.

D. — Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

~~§ 197-11. Stop orders.~~

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this article or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

~~§ 197-12. Duties of City Engineer.~~

The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

~~§ 197-13. Duties of Code Enforcement Officer.~~

The Code Enforcement Officer shall inspect complaints and determine if the sidewalk is in violation. If the sidewalk is in violation, the Code Enforcement Officer shall send a violation notice to the property owner, giving him/her 30 days to develop a schedule to repair the sidewalk violation and 90 days to fix the sidewalk violation. The Code Enforcement Officer shall also serve on the owner that failure to complete the violation in 90 days will result in the City of Milford completing the work and attaching a lien to the property. The Code Enforcement Officer will also inform the property owner that he/she needs to contact the City Engineer regarding the specifications for repair of the sidewalk violation.

~~§ 197-14. Liability.~~

Nothing in this article, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

ARTICLE II Miscellaneous Provisions

~~§ 197-15. Authority to temporarily close streets and sidewalks.~~

~~(A) The City Manager and/or designee and the Chief of Police and/or designee shall have the authority to temporarily close or block streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public's safety or to conduct work on streets or sidewalks. Permission shall be granted in the form of a permit issued by the Office of the City Clerk. Permit shall at all times, when streets or sidewalks are closed, be in the possession of a person at the site of the temporary closure and provided to any Police Officer or employee of the City upon request.~~

~~(1) Notification shall be provided to Milford Police Department, City Departments and the Carlisle Fire Company.~~

~~(B) The Chief of Police and/or designee is hereby authorized to close temporarily any street or roadway in an impending or existing emergency or when in his/her opinion, there is reasonable justification for the closing of such street or roadway.~~

~~(C) This section shall not apply to those governmental agencies which are otherwise authorized to close streets. Any roadway, lane or sidewalk closure request having direct and indirect impacts on a State of Delaware right-of-way must inform the Special Events Manager in Delaware Department of Transportation Traffic Safety Section.~~

~~§ 197-16. Litter, refuse, and debris.~~

~~It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.~~

~~(a) Exception.~~

~~Items permitted and regulated in Chapter 193.~~

~~§ 197-17. Throwing and kicking objects and playing games in streets.~~

~~It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager.~~

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, March 15, 2022 @ 7:00 PM
City Council Hearing: Monday, March 28, 2022 @ 7:00 PM

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 2022-15
Amending Chapter 230-Zoning Code

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and
WHEREAS, the Mayor and City Council desire to amend the City of Milford Code Chapter 230 Zoning in order to establish regulations to govern Wireless Communication Facilities (WCF), including the placement of WCFs on private property and within the public right-of-way; and
WHEREAS, the City of Milford Planning Commission had a final review and recommendation during their meeting on Tuesday, March 14, 2022, at which time interested parties publicly commented on the amendment; and
WHEREAS, Milford City Council held a Public Hearing on March 28, 2022, to allow for additional public comment and further review of the amendment.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. An Ordinance to amend Article III - Use and Area Regulations of Chapter 230 – Zoning Code of the City of Milford.

Section 2. Chapter 230 is hereby amended by adding a new subsection § 230-19.10 entitled Wireless Communication Facilities.

Section 3. § 230-19.10 -- Wireless Communication is added to the Zoning Code to read as follows:

§ 230-19.10 – Wireless Communication Facilities

A. Purpose and intent. The purpose of this section is to establish uniform standards for the siting, design, permitting, construction, maintenance, and use of wireless communications facilities (WCF) in the City of Milford (referred to herein as the "city"). While the city recognizes the importance of wireless communications facilities in providing high quality communications service to its residents, the city also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions and as referenced.

(1) By enacting these provisions, the city intends to:

- (a) Promote the deployment of wireless communications facilities in the city while regulating their location and number to ensure the provision of necessary services;**
- (b) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both city residents and wireless carriers in accordance with federal and state laws and regulations;**
- (c) Address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, small cells, cable, Wi-Fi and other wireless communications facilities;**
- (d) Establish procedures for the design, siting, construction, installation, maintenance and removal of small wireless communications facilities, non-tower based wireless communications facilities, and tower-based wireless communications facilities, in the city, including facilities both inside and outside the public rights-of-way;**
- (e) Preserve the character of the city's neighborhoods and corridors;**

- (f) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing wireless support structures where feasible;
- (g) Promote the health, safety and welfare of the city's residents.

B. Definitions.

Accessory equipment. Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "accessory equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna. An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

Changes in height. Changes in height are measured from the original wireless support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 CFR §1.4001(b)(7)(i)(A)).

Collocation. The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

Eligible facilities request. Any request for modification of an existing WCF that does not constitute a substantial change. Such request may involve: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Emergency. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Equipment compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FCC. Federal Communications Commission.

Height of a tower-based WCF. The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

Modification or modify. The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Non-tower wireless communications facility (non-tower WCF). A wireless communications facility located or collocated on existing structures, such as, but not limited to, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF. This definition excludes any installation constituting a small wireless communications facility.

Person. Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the State of Delaware, provided that "person" does not include or apply to the city, or to any department or agency of the city.

Replacement. The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment that does not result in increased wind or structural loading, is substantially similar in size and weight as the wireless communications facilities initially installed, and that does not substantially change the physical dimensions of the existing wireless support structure.

Small wireless communications facility (small WCF). A wireless communications facility that meets the following criteria:

- (1) The structure on which antenna facilities are mounted
 - (a) Is 50 feet or less in height; or
 - (b) Is no more than ten percent taller than other adjacent structures; or
 - (c) Is not extended to a height of more than 50 feet or by more than ten percent above its preexisting height as a result of the collocation of new antenna facilities.
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17; and
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR §800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR §1.1307(b).

Stealth technology. Camouflaging or screening methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in a manner appropriate to the site's context and surrounding environment. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Substantial change. A modification to an existing WCF substantially changes the physical dimensions of a wireless support structure if it meets any of the criteria set forth in 47 CFR §1.6100, as amended.
Tower-based wireless communications facility (tower-based WCF). Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. This definition excludes any installation meeting the definition of a small wireless communications facility.

Wireless. Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless communications facility (WCF). An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

Wireless communications facility applicant (WCF Applicant). Any person that applies for a wireless communications facility building permit, zoning/conditional use approval, and/or permission to use the public right-of-way or other city owned land or property.

Wireless support structure. A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

C. Applicability. The terms and provisions of this section shall apply to wireless communication facilities in the city. As defined, each type of WCF has specific allowable locations, development regulations, and design standards as follows:

- (1) Small WCF described in 230-19.10(F).
- (2) Non-tower WCF described in 230-19.10(G).
- (3) Tower WCF described in 230-19.10(H).

(1) Exceptions. The activities by city residents to utilize satellite dishes, citizen or band radios, and antennae for the purpose of maintaining television, phone, or internet connections at their residences for non-commercial activity shall be exempt from the regulations enumerated in this Section 230-19.10.

(2) *Nonconforming uses.* The following provisions shall apply to all buildings, support structures, and uses as related to wireless communication facilities:

- (a) All types of WCFs shall be permitted to collocate upon existing non-conforming WCFs, wireless support structures, and other non-conforming structures subject to the provisions of this Section 230-19.10.
- (b) Collocation of antennae is permitted on non-conforming structures.
- (c) Collocation of non-tower WCFs upon existing tower-based WCFs is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.
- (d) WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this Section 230-19.10.

D. *Type of Activity determination.* The following provisions outline the types of wireless communication facility applications.

- (1) *Eligible facilities request.* The WCF application type is classified as an eligible facilities request if the request for modification of an existing WCF that does not constitute a substantial change under 47 CFR §1.6100, as amended. The request may involve: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
- (2) *Substantial change activity.* The WCF application type is classified as a substantial change activity if the modification substantially changes the physical dimensions of a wireless support structure by meeting any of the criteria set forth in 47 CFR §1.6100, as amended, relating to height of the support structure or addition of new appurtenances or equipment cabinets.
- (3) *New facility.* The WCF application type is classified as a new facility if it involves the construction and placement of a new wireless support structure and does not meet the definition of small WCF.
- (4) *Small WCF.* The WCF application type is classified as a small WCF if the proposed antennas, accessory equipment and support structure (whether an existing, replacement or new structure) comply with the volume and height parameters set forth in the definition of small WCF.

E. *Application procedures.* The following provisions outline the procedures for wireless communication facility applications, policies and procedures for the administration of the WCF permitting and review process shall be developed by the Planning Director.

(1) *Location within public right-of-way.* WCF applicants proposing a WCF to be located within the public right-of-way, shall be required to obtain application approvals as follows:

- (a) *Pole attachment process.* Compliance with the procedures found in Milford Code Ordinances, Chapter 197—Streets, Sidewalks, Storm Sewers and Other Public Places, Article VIII—Public Utilities, for a WCF proposed for attachment to Milford Public Works Department facilities.
- (b) *Master license agreement required.* Any WCF applicant for a WCF proposed for attachment to a utility pole owned or controlled by the City of Milford Public Works Department shall first enter into a valid master license agreement with the city authorizing such attachment. No WCF shall be permitted to be attached to such utility poles without proof a valid master license agreement being provided as part of the permit application.
- (c) *Permit—Use of rights-of-way.* Obtain a right-of-way use permit from the city in accordance with permit policies and procedures pursuant to Milford Code of Ordinances, Chapter 197—Streets, Sidewalks, Storm Sewers and Other Public Places, for a WCF proposed with city rights-of-way.
- (d) *Permit.* Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (e) *Documentation.* WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 for the type of WCF.

(f) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in City Fee Schedule as adopted by resolution by City Council.

(2) Compliance with zoning ordinance. The following section of the zoning ordinance shall be adhered to, as applicable, in the approval of a WCF application:

(a) Environmentally sensitive areas. Location shall document compliance with the environmental protection measures for flood hazard areas and waterbodies and wetlands pursuant to Chapter 130 Floodplain Management.

(3) Eligible facilities request. WCF applicants proposing an eligible facilities request shall be required to obtain application approvals as follows:

(a) Type. WCF Applicant shall designate in writing that the application constitutes an eligible facilities request pursuant to 47 CFR §1.6100 and as defined by this Section 230-19.10.

(b) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.

(c) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 for the type of WCF.

(d) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council.

(4) Substantial change activity. WCF applicants proposing a substantial change activity shall be required to obtain application approvals as follows:

(a) Type. WCF Applicant shall designate in writing that the application constitutes a substantial change activity as defined by this Section 230-19.10.

(b) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.

(c) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of facility.

(d) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council.

(5) New facilities. WCF applicants proposing a new facility located in a public right-of-way shall be subject to the provisions of Section 230-19.10(E)(1). WCF applicants proposing a new facility meeting the definition of tower-based WCF outside of a public right-of-way shall be required to obtain application approvals as follows:

(a) Conditional use authorization required. Any WCF applicant proposing the construction of a new facility shall first obtain conditional use authorization pursuant to Chapter 230-48.

(b) Documentation. The conditional use application shall demonstrate that the proposed WCF complies with all applicable provisions of Section 230-19.10 based on the type of facility.

(c) Conditional use application requirements. The additional requirements for conditional use applications shall include the following:

i. A description of the type and manufacturer of the proposed transmission/radio equipment, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.

ii. Documentation demonstrating that the proposed tower-based WCF complies with all applicable state and federal laws and regulations concerning aviation safety.

- iii. Evidence that the owner of the property on which the tower-based WCF is proposed has granted authorization to construct and operate the tower-based WCF.
- iv. Written certification from a structural engineer licensed in the State of Delaware that the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- v. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. The City Council may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good faith effort to mount the antenna(s) on an existing structure. The WCF applicant shall address the viability of any existing wireless support structures within a one quarter (¼) mile radius of the site proposed and demonstrate that such alternative candidates are inferior with respect to technical feasibility, cost, or terms of use.
- (d) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (e) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of WCF.
- (f) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council.

(6) New small WCF. WCF applicants proposing a new small WCF that does not qualify as an eligible facilities request shall be required to obtain application approval as follows:

- (a) Type. WCF applicant shall designate in writing that the application constitutes a small WCF as defined by this Section 230-19.10.
- (b) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (c) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of facility.
- (d) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council.
- (e) New wireless support structures. An application involving installation of a new wireless support structure shall demonstrate that the proposed small WCF cannot be reasonably accommodated on an existing or approved structure or building within the right-of-way. The WCF applicant shall address the viability of any existing wireless support structures within 100 feet of the site proposed and demonstrate that such alternative candidates are inferior with respect to technical feasibility, cost, or terms of use.

(7) Timing of approvals. Each specific type of WCF is subject to specific approval timeframes. Such timeframes shall be subject to the tolling procedures established by the FCC.

- (a) Small WCF: Timing of approval for all small WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:
 - i. Notification of incomplete applications for small WCF. Within ten days of receipt of an application for a small WCF, the city shall notify the WCF applicant in writing of any additional information required to complete application.
 - ii. Approval timeframe—Collocation. Within 60 days of receipt of an application for a collocation of a small WCF on a preexisting wireless support structure, the city shall make a final decision on whether to approve the application and the city shall notify the WCF applicant in writing of such decision.

iii. Approval timeframe—New facility. Within 90 days of receipt of an application for a small WCF requiring the installation of a new wireless support structure, the city planning department shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.

(b) Non-tower WCF: Timing of approval for all non-tower WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:

i. Notification of incomplete applications for non-tower WCF. Within 30 days of receipt of an application for a WCF on a preexisting wireless support structure, the city shall notify the WCF applicant in writing of any additional information required to complete application.

ii. Approval timeframe—Substantial change. Within 90 days of receipt of an application for a non-tower WCF on a preexisting wireless support structure that substantially changes the wireless support structure to which it is attached, the city shall make a final decision on whether to approve the application and the city shall notify the WCF applicant in writing of such decision.

iii. Approval timeframe—Not substantial change. Within 60 days of receipt of an application for a non-tower WCF on a preexisting wireless support structure that does not substantially change the wireless support structure to which it is attached, the city planning department shall issue the required building permit authorizing construction of WCF.

(c) Tower-based WCF: Timing of approval for all tower-based WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:

i. Notification of incomplete applications for tower-based WCF. Within 30 days of receipt of an application for a tower-based WCF, the city shall notify the WCF applicant in writing of any additional information required to complete application.

ii. Approval timeframe. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the city shall advise the WCF applicant in writing of its decision. If additional information was requested by the city planning department to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the 150 day review period

(8) Fees. Each application for permit or plan approval shall be accompanied by a fee as provided for in the City Fee Schedule as adopted by resolution by City Council.

(a) Permit fees. The city may assess appropriate and reasonable permit fees directly related to the city's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring and related costs. Such permit fees shall be established by City Council and shall comply with the applicable requirements of the FCC.

(b) Reimbursement for WCF in right-of-way. In addition to permit fees as described in this section, every small WCF in the right-of-way is subject to the city's right to recover its actual costs incurred as a result of the small WCF's presence in the right-of-way, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the city. The owner of each small WCF shall reimburse the city for the city's costs reasonably incurred in connection with the activities described above. All fees shall comply with applicable state and federal law and not exceed amounts presumed reasonable by the FCC.

F. Small wireless communication facilities (small WCF). The following regulations shall apply to all small WCF and associated wireless support structures as defined by this Section 230-19.10.

(1) Location.

- (a) Small WCF are permitted to be located in all city zoning districts subject to the application requirements of this Section 230-19.10.
- (b) Small WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(E)(2).
- (c) Small WCF are permitted to be located within the public right-of-way subject to application requirements of this Section 230-19.10.

(2) Development regulations.

- (a) Sizing. To be considered as small WCF, the WCF must comply with the criteria established in the definition of small wireless communications facility in Section 230-19.10(B).
- (b) Height. The total height of a small WCF shall comply with the maximum height permitted in the zoning district of the property to the extent technically feasible. In accordance with industry standards, small WCF applicants must submit documentation to the city justifying the total height of the WCF.
- (c) Height. The total height of a small WCF when located in the public right-of-way shall be no more than ten percent taller than the tallest existing utility pole or wireless support structure within a 250 radius of the proposed WCF or 50 feet above ground level, whichever is greater.
- (d) Placement. All small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all applicable requirements pertaining to streets and sidewalks, as codified in Chapter 197 of the Milford Code.
- (e) Placement. Small WCF in the public right-of-way requiring the installation of a new wireless support structure shall not be located directly in front of any building entrance or exit such that it would interfere with ingress or egress.
- (f) Accessory equipment. Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the city.

Commented [PR1]: The Planning Commission was concerned about the 50 foot height allowance. They recommended 50 feet or the maximum height allowed in the zoning district, whichever is less. Our lowest height allowance is 35 feet.

(3) Design standards. All small WCF shall be designed to meet applicable requirements of the city "Small Wireless Communications Facility Design Manual," a copy of which is kept on file at the City Planning Department.

G. Non-tower wireless communication facilities (non-tower WCF). The following regulations shall apply to all non-tower WCFs as defined by this Section 230-19.10 and that do not meet the definition of a small WCF.

(1) Location.

- i. Non-tower WCF are permitted to locate in all city zoning districts subject to the application requirements of this Section 230-19.10.
- ii. Non-tower WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(B).
- iii. Non-tower WCF are permitted to be located within the public right-of-way subject to application requirements of this Section 230-19.10.
- iv. Non-tower WCF shall be collocated on existing wireless support structures, such as poles, certain existing buildings or tower-based WCF.

(2) Prohibitions on certain structures. Non-tower WCF shall not be located on one-family detached dwellings, one-family attached dwellings, semi-detached dwellings, duplexes, townhouses, manufactured homes, mobile homes, modular homes, or any residential accessory structure.

(3) Development regulations.

- i. Sizing. To be considered as non-tower WCF, the WCF must comply with the criteria established in the definition of non-tower wireless communications facility in Section 230-19.10(B).
- ii. Height. The total height of a non-tower WCF shall not exceed the maximum height permitted in the zoning district. In accordance with industry standards, non-tower WCF applicants must submit documentation to the city justifying the total height of the WCF.

- iii. Replacement of existing support structure. The replacement of an existing support structure with a similar structure that is required to support the weight of the proposed WCF is allowed.
- iv. Accessory equipment buildings. If accessory equipment is to be located in a separate building, the building shall comply with the minimum requirements for accessory structure in the applicable zoning district.
- v. Fences. A security fence with a minimum height of six feet and a maximum height of eight feet shall surround any separate equipment compound located outside the right-of-way.
- vi. Access. Vehicular access to the accessory equipment building or equipment compound shall not interfere with the parking or vehicular circulations on the site for the principal use.

(4) Design standards. Where appropriate, non-tower WCF shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The stealth technology utilized by the WCF applicant shall be subject to the application approval process.

H. Tower-based wireless communication facilities (tower-based WCF). The following regulations shall apply to all tower-based WCFs as defined by this Section 230-19.10 and that do not meet the definition of a small WCF.

(1) Conditional uses. Tower-based WCF are permitted outside the public rights-of-way in certain zoning districts upon conditional use approval of the City Council in accordance with the procedures and subject to the general conditions set forth in Chapter 230-48.

(a) In approving the conditional use, the City Council may take into consideration the following:

- 11] The aesthetic impact of the proposed facility, including, but not limited to, whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved;
- 12] Encourage compatibility with the character and type of development existing in the area;
- 13] Prevent a negative impact on the aesthetic character of the community;
- 14] Preserve woodlands and trees existing at the site to the greatest possible extent; and
- 15] Encourage sound engineering and land development design and construction principles, practices and techniques.

(b) Additional antennae. As a condition of approval for all tower-based WCF, the WCF applicant shall provide with a written commitment that it will allow a minimum of two other service providers the opportunity to collocate antennae on tower-based WCF where technically feasible. The WCF applicant reserves the right to lease the space to other service providers.

(2) Location.

- (a) Tower-based WCF are allowed by a conditional use permit within the BP, I-1, I-2, C-3 and IS zones.
- (b) Tower-based WCF are subject to the application requirements of this Section 230-19.10.
- (c) Tower-based WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(E)(2).

(3) Uses on property.

- (a) Principal use. A tower-based WCF shall be permitted as a sole principal use on a lot.
- (b) Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another permitted use.
- (c) Existing uses. The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the WCF.
- (d) Ability to use. Where applicable, the WCF owner shall present documentation that the property owner has granted an easement or other property right for the proposed facility.

(4) Development regulations.

- (a) Minimum lot area. The minimum lot area shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
- (b) Height. Tower-based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a tower-based WCF shall not exceed the 150 feet. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height.
- (c) Minimum setbacks. The minimum distance between the base of a tower-based WCF and any property line or street right-of-way line shall equal 110 percent of the proposed height of the tower-based WCF, unless the WCF applicant shows to the satisfaction of the City that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

(5) Design standards.

- (a) Multiple antennae. Any proposed tower-based WCF shall be designed structurally to accommodate both the WCF applicant's antennae and at least two comparable antennae for future users.
- (b) Security. Any tower-based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (c) Lighting. No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- (d) Surrounding environs. Existing vegetation, trees and shrubs located within proximity to the tower-based WCF structure shall be preserved to the maximum extent possible.
- (e) Fences. A security fence having a minimum height of six feet and a maximum height of eight feet shall surround any tower-based WCF, as well as guy wires, equipment compound or housing WCF equipment.
- (f) Screening. A screen of evergreen trees planted eight feet on center, each at least four feet in height, shall surround the tower-based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible and landscaping is not required where landscaping already exists
- (g) Accessory equipment. Where feasible, accessory equipment associated, or connected, with a tower-based WCF shall be placed underground. Any above-ground accessory equipment associated or connected with a tower-based WCF shall be screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated.
- (h) Accessory equipment buildings. If accessory equipment is to be located in a separate building, the building shall comply with the minimum requirements for accessory structures in the applicable zoning district.
- (i) Accessory equipment. Accessory equipment not exceeding 500 square feet in area shall be permitted for each unrelated company sharing space on the tower-based WCF.
- (j) Access road. Where necessary, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
- (h) Visual appearance. Tower-based WCF shall employ stealth technology which may include painting or finish of the tower portion. All tower-based WCF and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

I. General requirements for wireless communication facilities. The following shall apply to all types of wireless communication facilities. Each application for a WCF shall require proof of compliance with the following.

(1) Standards for wireless communication facilities.

- (a) Wind and ice. Each WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- (b) Aviation safety. WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (c) Interference. WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services by occupants of nearby properties.
- (d) Radio frequency emissions. WCF shall not, by itself or in conjunction with other WCFs existing on the same structure at the time of installation, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (e) Signage. WCF owners shall post a sign in a readily visible location identifying the name, phone number of a party to contact in the event of an emergency, and permit number. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (f) Noise. WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (g) Engineer seal and signature. All plans and drawings for a WCF shall contain a seal and signature of a professional structural engineer, licensed in the State of Delaware.
- (h) FCC license. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

(2) Maintenance and care of wireless communications facilities.

- (a) Standard of care. Any WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, National Association of Tower Erectors, or to the industry standard applicable to the structure.
- (b) Maintenance. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the city. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the city's residents and utilize industry standard technology for preventing failures and accidents. The following maintenance requirements shall apply:
 - [1] The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.
 - [3] All maintenance activities shall conform to industry maintenance standards.

(c) Lighting. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the city.

(d) Graffiti. Any graffiti on the WCF or on any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the city.

(3) Inspection of wireless communication facilities. The city reserves the right to inspect any WCF to ensure compliance with the provisions of Chapter 230 – Zoning and any other provisions found within the City Code or state or federal law. The city and/or its agents shall have the authority to enter the lease area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(4) Construction and repairs in the right-of-way.

(a) Work in right-of-way. The City of Milford Public Works Department, in consultation with the City Planning Department, shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. All construction, maintenance, repair and/or removal of small WCF shall comply with the applicable requirements of the City Code.

(b) Pole repairs. In the event of damage to a small WCF attached to a utility pole owned or controlled by the City of Milford Public Works Department, the owner of the small WCF shall be solely responsible for all costs associated with the repair of the small WCF, unless such damage was caused by the city's own negligence or willful misconduct.

(c) Repairs of city property. In the event of damage to city property during installation of any WCF, including utility poles, streets, sidewalks, streetlights, signs, or other infrastructure, the company responsible for the damage shall make repairs accepted by the city or shall reimburse the city for the cost of such repairs.

(d) Change or alteration required. Within 90 days following written notice from the city, or such longer period as the city determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the city, consistent with its police powers and applicable public utility commission regulations, determines that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

[1] The construction, repair, maintenance or installation of any city or other public improvement in the right-of-way;

[2] The operations of the city or other governmental entity in the right-of-Way;

[3] Vacation of a street or road or the release of a utility easement; or

[4] An emergency as determined by the city.

In such cases the city will make reasonable efforts to assist the WCF owner in identifying and permitting an alternate location for the WCF.

(5) Removal. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and removed. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:

(a) Complete removal of the structure of a tower-based WCF shall require a demolition permit in accordance with permit policies and procedures pursuant to Chapter 88-Building Construction.

(b) Any unused portions of tower-based WCF, including antennae, shall be removed within 90 days of the time of cessation of operations. All replacements of portions of a tower-based WCF previously removed are subject to the provisions of this Section 230-19.10.

(c) All used or abandoned WCFs and accessory equipment shall be removed from the wireless support structure within 90 days of the cessation of operations at the site unless a time extension is approved by the city.

(d) If the WCF or accessory equipment is not removed from the wireless support structure within 90 days of the cessation of operations at a site, or within any longer period approved by the city, the WCF and/or associated facilities and equipment may be removed by the city and the cost of removal assessed against the owner of the WCF.

Section 4. Dates.

City Council Introduction: March 14, 2022

Planning Commission Review & Public Hearing: March 15, 2022

City Council Public Hearing: March 28, 2022

Section 5. Ordinance is Effective Ten Days Following Adoption by City Council

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

02.25.22

Published:

Delaware State News 02.28.22

Milford Beacon 03.02.2022