

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
May 13, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 13, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:03 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the March 25, April 8, April 22 and April 27, 2019 Committee and Council Meetings. Motion to approve made by Councilmember Wilson and seconded by Councilmember Peel. Motion carried.

#### RECOGNITION

##### *Delaware Operator of the Year/Steve Ellingsworth*

Public Works Director announced that in addition to being nominated the last two years, Milford's Steve Ellingsworth won the Delaware Operator of the Year Award.

When Mr. Whitfield submitted his recommendation, he highlighted his relationship with Milford's customers. Not only as an ambassador to the profession, but to the City as a whole, Mr. Ellingsworth is always very supportive of the City and our Council and the work that is being done throughout the City, in all departments, and speaks highly of the work that goes on in the day to day operations.

He said more importantly, when there are issues, Mr. Ellingsworth is the one that goes out and meets with people one on one. Often the get comments back, that they did not understand until Mr. Ellingsworth explained it to him.

Mr. Whitfield then recognized Mr. Ellingsworth and the award he received.

Mr. Norenberg added that Mr. Ellingsworth is also a mentor to the employees in his department. His interest in educating the public and providing assistance to the public, has expanded to other employees, who are also interested in taking that information into the schools for recruiting purposes and to educate our children.

##### *Proclamation 2019-07/National Kids to Parks Day*

Mr. Norenberg read the following proclamation into record:

##### *National Kids to Park Day*

*WHEREAS, Organized and launched by the National Park Trust on the third Saturday of May, the ninth Kids to Parks Day is Saturday, May 18, 2019; and*

*WHEREAS, Kids to Parks Day empowers kids and inspires families to get outdoors and visit America's parks; and*

*WHEREAS, It is important to introduce a new generation and that families take advantage of their local parks; and*

*WHEREAS, We should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and*

*WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and*

*WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors.*

*NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim May 18, 2019 as National Kids to Park Day in the City of Milford and urge our residents to take their children, their children's friends, other family members and neighbors to a City Park to participate in physical activity and free play.*

*s/Mayor Arthur J. Campbell*

*Proclamation 2019-11/Public Works Week*

City Manager Norenberg read the following proclamation into record:

*National Public Works Week*

*WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Milford; and,*

*WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who include engineers, managers and employees at all levels of government and the private sector and are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

*WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Milford to gain knowledge of and to maintain a progressive interest and understanding about the importance of public works and public works programs in their respective communities; and,*

*WHEREAS, the year 2019 marks the 59<sup>th</sup> Annual National Public Works Week sponsored by the American Public Works Association.*

*NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim the week May 19 through 25, 2019 as National Public Works Week in the City of Milford and urge all citizens to join representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees, and to recognize the substantial contributions they make to protecting our health, safety, and quality of life.*

*s/Mayor Arthur J. Campbell*

Public Works Director Whitfield then announced that at 10:00 a.m. on this Saturday, they are sponsoring a Touch a Truck Event. Several food trucks are participating.

A majority of the Public Works equipment will be available where people can see the equipment and children can climb on board and see what it feels like to sit inside some of the newer equipment acquired. They will also hand out educational materials, including coloring books.

City Manager Norenberg then reported that from 9:00 a.m. to 10:00 a.m., before the new overpass officially opens at Northeast Tenth Street, people can come out and celebrate the accomplishment and actually experience being on the bridge without being in the car. They have partnered with the Milford Police Department, DMI and the Chamber of Commerce to promote the event.

Life Cycle will also be organizing a bike ride from downtown to the overpass.

Following, the ribbon cutting will occur at 10:00 a.m. and the interchange will be open for traffic.

Work will begin on N.E. Tenth Street on Monday, May 20<sup>th</sup>.

He recalled that this overpass is unique not only because it is a gateway to downtown Milford, but our branding is on the wingwalls, which cannot be found on any other overpass in Delaware.

#### MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown noting the number of City and outside events he has attended throughout the months.

Chief Brown announced that he is a Board of Director explaining they have a drop-in program on weekdays though weekends are being added. The program is for Kent and Sussex County where people can be taken, regardless of their problem, such as homeless persons. They have the resources to provide showers, meals, computers, drug treatment, mental health treatment.

The police are able to take people there 24 hours though he believes the public is restricted to the daytime hours.

He does have a concern with the location of the facility which is behind McDonalds and pedestrians crossing the highway. He and Mr. Norenberg are presently working with DART to add a bus stop at that location in lieu of crossing the highway.

Councilwoman Wilson moved to accept the report, seconded by Councilman Peel. Motion carried.

#### MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report, noting that a couple of reports are missing. Once they are submitted, he will send the updated version via email.

He asked Council for any feed or recommendations with regard to the new format.

Mr. Norenberg also reported they have been visiting a lot of businesses in town with regard to the energy efficiency program and economic development. In the last week, they visited US Cold Storage, Bayhealth, Caulk Dentsply, Sarrono and Mohawk Electric, with more scheduled in the coming weeks.

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

#### MONTHLY FINANCE REPORT

Finance Committee Chairman James advised the detailed report is included in the Council packet.

With 75% of Fiscal Year 2018-2019 elapsed, revenues are up 5% over budget, with business type enterprise funds up 2.9-3% over budget.

Total expenses are under budget 8% and business type enterprise funds are under budget by the same amount.

Councilman James announced that the way the year is trending, the business type enterprise funds should be favorable by about \$3.9-\$4 million, which is consistent with last year, if you exclude the forgiveness of debt of 1.3%. Last year the business type enterprise funds would have increased by 4.1%.

Even with 25% of the year to go, he does not know enough detail to provide further guidance though it does look consistent and favorable.

With that, we are looking at increasing the electric fund by \$1.8 million after the \$2.5 million transfer to the general fund.

He plans to continue working with the City Manager to make the information in the Finance Report a little more relevant. Currently, it seems there is more data than information and hopes to provide more useful information which can be used in its decision making.

Councilmember James moved to accept the March 2018 Finance Report, seconded by Councilmember Peel. Motion carried.

#### COMMITTEE & WARD REPORTS

No reports were provided.

#### COMMUNICATION & CORRESPONDENCE

Included in packet.

Councilmember Wilson excused herself at this time due to an unexpected personal matter.

#### UNFINISHED BUSINESS

##### *Authorization/Addendum/Chief of Police Contract*

Councilmember Marabello moved to accept the Addendum to the Police Chief's contract, seconded by Councilmember James. Motion carried.

##### *Appointment/Planning Commission*

The City Manager reported Duval Lewis who was recently appointed to the Planning Commission relocated outside of the City which leaves a vacancy on the commission.

It was noted that Duane Powell submitted his application for consideration.

Councilmember Boyle moved to appoint Duane Powell to fill the vacancy on the Planning Commission, seconded by Councilmember James. Motion carried by the following 4-3 roll call vote:

Yes:

Marabello, Boyle, Peel, James

No:

Culotta, Brooks, Morrow

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

Former Councilmember Christopher Mergner has requested appointment to fill the vacancy on the Parks and Recreation Advisory Board.

Motion made by Councilmember Peel to appoint Mr. Mergner to the Parks and Recreation Advisory Board, seconded by Councilmember Boyle. Motion carried unanimously by a unanimous roll call vote.

## NEW BUSINESS

### *Bid Award/Public Works Facility Renovation Project*

Public Works Director Whitfield referenced the following memo in reference to their redesigned breakroom:

In the 2019 Capital Budget, staff recommended and Council approved funding for the Breakroom/Locker Room Redesign at the Public Works Administrative Building. In 2017, staff contracted with Davis Bowen and Friedel on various layout options to provide for an expanded break room and locker room within the Public Works Administration Building. Prior to 2017, each division had separate break rooms/locker room areas scattered throughout the facility. Having a central area within the Administration Building will provide more staff contact, as well as more efficient use of space and use of energy in terms of heating and cooling.

At the June 11, 2018, council unanimously approved the recommendation that 25% from each Water and Sewer Reserves and 50% from Electric Reserves be used for the project. On May 1, 2019, bids for the recommended Breakroom/Locker Room Re-design work were opened. The low bidder, BRS Contracting, Inc. of Harrington, DE was the low bidder at \$87,450. The engineer's estimate for the work was \$115,865. The engineering fees for the project is expected to be \$14,900.

The 2019 Capital Budget included \$450,000 for work at the Public Works Facility, including replacement of the HVAC (\$350,000), renovations to the breakroom and locker room (\$90,000), and LED lighting (\$10,000). The HVAC work is \$349,000 (including \$25,000 for engineering) and \$19,844 has been spent on architecture design for the Breakroom/Locker Room Project, leaving a balance of \$81,156 in the original budget. Sufficient funds are available in the Electric, Water, and Sewer Reserves to cover the additional cost for the project.

Councilmember Marabello moved to award the Public Works Administrative Building Breakroom/Locker Room Redesign Contract to BRS Contracting, Incorporated of Harrington DE in the amount of \$87,450 to be funded with \$43,725 from Electric Reserves and \$21,863 from Water and \$21,863 from Sewer Reserves, seconded by Councilmember James. Motion carried.

### *Authorization/Amendment/Milford Ponds Development Agreement*

The Public Works Director reported that Milford Ponds requested they install their electric service, which helps the City crews considering the number of developments currently underway. As a result, an agreement was made which gives Milford Ponds permission to install electric lines within their subdivision.

Mr. Whitfield confirmed that the installation will be inspected, and all terminations and connections will be made by the City. In addition, the City is required to purchase and install all transformers. Though a blended project, the majority of the labor will be completed by Milford Ponds' contractor.

Councilmember Culotta asked if electric impact fees are paid by the development, Mr. Whitfield explained that relates to the infrastructure that may be needed in the future in order to provide for those facilities. A lot of that fee is paid by the developer up front.

When asked if Milford Ponds will still need to pay impact fees because they are installing their own infrastructure, Mr. Whitfield explained that relates to the main infrastructure providing them electricity and not what goes in the ground. The City would have installed it and the developer assessed an hourly fee.

Mr. Whitfield also verified that the City of Milford meter and meter pans are still required.

He explained that because of the work that is occurring, any developer that wishes to install their own would be given that option. However, an addendum is required because the original agreement states the City would perform that work.

Councilmember Culotta moved to authorize Addendum #1 to the Milford Ponds Development Agreement, seconded by Councilmember Peel:

***MILFORD PONDS – PLANNED UNIT DEVELOPMENT AGREEMENT  
CITY OF MILFORD, DELAWARE  
ADDENDUM #1***

*This Agreement, hereinafter the **ADDENDUM #1**, dated this 13<sup>th</sup> day of May, 2019, by and between the equitable property owner **MILFORD PONDS, LLC**, a Delaware Limited Liability Corporation, hereinafter the “**OWNER**”.*

*AND*

*The **City of Milford**, a municipal corporation of the State of Delaware, hereinafter the “**CITY**”.*

*WHEREAS, the **OWNER** is proposing a 178.07 acre +/- Planned Unit Development located along S. Dupont Boulevard, hereinafter the “**PROJECT**,*

*WHEREAS, the **OWNER**, intends to develop the parcel in accordance with the project plans previously reviewed and approved by the City, hereinafter “**THE PLANS**,*

*WHEREAS, it is a requirement of the **CITY**’s Ordinance that properties within the **CITY** are connected to the municipalities’ electrical, water and sewer systems;*

*WHEREAS, the **OWNER**, shall complete all improvements of the **PROJECT** as shown on **THE PLANS**;*

*WHEREAS, the **OWNER** and the **CITY** entered into a **DEVELOPMENT AGREEMENT** for the project on October 10, 2017;*

*WHEREAS, the **OWNER** requests **CITY** permission to install electric lines within the project;*

*NOW THEREFORE, in consideration of the requirements of the **CITY** and the services required by the **OWNER**, the parties hereto agree, under seal, to **ADDENDUM #1**, which can be found in the Council packet.*

Motion carried.

*Introduction/Ordinance 2019-11/Chapter 230-Zoning Code/Amends §230-18 OC-1 District*

Introduced by Mayor Campbell, Planning Director Pierce explained this is an amendment to the OC-1 zoning category in Chapter 230, as was recommended by the Community and Economic Development Committee.

The Planning Commission will review tomorrow evening and is scheduled for a public hearing on May 28, 2019.

*Introduction/Ordinance 2019-14/Conditional Use/Windward Communities LLC-Commercial*

*on behalf of Property Owners Janet R. Swain, Gilbert C. & Irene D. Simpson and Jesse & Joyce Webb*

Introduced by Mayor Campbell, Planning Director Pierce explained this is a conditional use application at the Swain, Simpson and Webb properties on South Rehoboth Boulevard where a commercial shopping center is planned with office, retail and restaurant uses.

The Planning Commission will review tomorrow evening and is scheduled for a public hearing on May 28, 2019.

*Introduction/Ordinance 2019-15/Change of Zone/Larry M. & Linda H. Pfeiffer on behalf of Pfeiffer Enterprises*

Introduced by Mayor Campbell, this application involves a change of zone for the Pfeiffer lands on the west side of North Rehoboth Boulevard from R-2 to C-1.

The Planning Commission will review tomorrow evening and is scheduled for a public hearing on May 28, 2019.

*Introduction/Ordinance 2019-16/Conditional Use/Mavis Discount Tires/LC Management on behalf of Shawnee Farm LLC*

Introduced by Mayor Campbell, this application involves a conditional use to allow a tire business on one of the pad sites in front of Redner's Market at Cypress Hall.

The Planning Commission will review tomorrow evening and is scheduled for a public hearing on May 28, 2019.

*Introduction/Ordinance 2019-17/Change of Zone/Growmark FS*

Introduced by Mayor Campbell, this application is the result of a change of zone request at the vacant Growmark warehouse on Northeast Front Street from I-1 to C-3, next to the land purchased for the new Milford Police Department.

The Planning Commission will review tomorrow evening and is scheduled for a public hearing on May 28, 2019.

*Introduction/Ordinance 2019-18/Chapter 67/Volunteer Fire Companies  
Introduction/Ordinance 2019-19/Chapter 26/Enhancement Funds\**

City Manager Norenberg introduced the aforementioned ordinances.

He explained they are related in that Ordinance 2019-18 rescinds Chapter 67 that was adopted at the time the Carlisle Fire Company Enhancement Fee was put in place.

A new Chapter 26 is being created and retitled which will include the provisions of the rescinded Chapter and will establish a similar fund for public building including police and general government buildings.

Both ordinances are scheduled for review and adoption on May 28, 2019.

EXECUTIVE SESSION

Executive Session discussion postponed until May 28, 2019.

ADJOURNMENT

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

The Council Meeting adjourned at 7:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder