

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 26, 2019

The City Council of the City of Milford met in Workshop Session on Monday, August 26, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:45 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniele 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

Lights-On Milford Strong Campaign Update

City Manager Norenberg provided a history on the Lights-On Milford Strong Campaign Program for energy efficiency, crime preventing and community building. He noted that it is in final stages and Delaware Help Initiatives' Harold Stafford and Charlie Kistler are in attendance to provide details on the progress of the final stages.

Harold Stafford said they asked to provide Council with a brief update on the project. Three items will be discussed—Lights-On Milford Strong, Energize Delaware and Health-On Milford Strong.

Providing details on the Lights-on Campaign, 379 of the 412 first phase LED rear and front lights have been installed. Solar power lights are installed if there are no rear lights connections. The remaining 33 will be completed over the next week and a final report provided afterwards.

Mr. Kistler then shared the following relative information:

20,454 watts of savings reported to date by replacing incandescent light bulbs which will match or exceed the City of Seaford.

10 vacant properties were lit up with solar lights and those addressed provided to Chief Brown for distribution to City Council.

21 houses that have more than 20,000 kilowatts of energy consumption over a twelve-month period have been identified to date.

123 voters are unregistered based on the stats collected during the intake process.

They continue to work with Lt. Huey of Milford Police Department on the crime stats side to get pre and post numbers. That information is required by the Attorney General.

Outreach event that will align with the Riverwalk at which time they will share space with Milford Police Department.

Each time an invoice is received, a status report, installation report and burn rate submitted.

Mr. Kistler then explained that starting in September, they will issue client surveys to 100 of the 412 households, which in turn, will be provided to Energize Delaware. Energize Delaware is similar to the Home Energy Checkup program, and will provide checkups in three forms-workshops, pop up events and an analysis done within the home.

Of the homes he referenced, 21 have exceeded 20,000 kilowatts consumption over the twelve-month period. They want to find a way into those homes to identify the items creating that usage.

Of the 379 homes, 107 homes have committed to the checkups, of which sixteen have been completed. One home had four freezers and two with broken seals that caused the compressor to continuously run.

Two workshops were attended by 20 people at a local church. Five pop up events were done; one was at the Milford Night Out and the other four were held at the City's Customer Service building.

Mr. Kistler announced they applied and were awarded a grant from DNREC, based on community and environmental funds. Businesses, that have done environmentally damaging acts, have paid a penalty that DNREC distributes back into organizations. Their plan will target 62 children on record with the Division of Public Health who have elevated blood levels because of exposure to lead base paint.

This is similar to a home energy checkup except it involves health and safety. Twenty-nine hazards that are listed by HUD and a determination will be made based on severity and likelihood of hazards in the home. Risks include indoor air quality, mold, pest infestation, trips and fall issues, lead base paint, etc. The same approach to education and referral, used with the Home Energy Checkups, will be done with through the Healthy Home Assessment.

He acknowledged the City was responsible for them getting grant money from Christiana Care in Wilmington to take this program to the City of Wilmington.

They will also be working with electric customers that are bordering on being disconnected and have them participate in a home energy checkup in September.

He encouraged Council to do a walk about with them.

Mr. Kistler concluded by stating they will do a formal outbrief in September. He acknowledged Suzannah Frederick and Vicky Love from Customer Service for their leadership and help with clients. He also recognized Lieutenant Huey, Lieutenant Wells and especially Sergeant Masten for their help with crime data.

Mr. Kistler said he cannot say enough about City Manager Norenberg and Planning Director Pierce for their efforts and valuable help.

There being no further business, the Workshop concluded at 7:04 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

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STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:04 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATION & CORRESPONDENCE

Councilwoman Wilson invited everyone to the Back to School Block Party this Saturday on Truitt Avenue, Extended, from noon until 4:00 p.m. All school age children will be provided free back pack and school supplies. Last year more than 150 children attended and participated in the free games and food.

She thanked Parks and Recreation and the School Resource Officers who spend time there.

Councilwomen Peel acknowledged the recent inaugural Hippy Fest held at Causey Mansion and sponsored by Milford Museum. She noted it was a huge success and encouraged everyone to attend the fundraiser next year.

UNFINISHED BUSINESS

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

Lillian Harrison recalled the last Council meeting when Council discussed the lease transfer of the Armory.

With regard to financial sustainability, and what DCRAQC was able to generate in about eight to nine months, was \$20,000 in pending grants, \$50,000 in contracts and \$52,000 in generated revenue. They have about approximately \$90,000 in upcoming contracts with large construction and trade. That is an agreement to supervise and manage subcontractors and laborers that will be doing the Middletown project.

They have currently received a proposal for 31 properties to repurpose in relation to housing issue. They have found that a problem among chronicle homeless individuals is affordable housing. As a result, they are able to provide affordable housing versus workforce housing. The low housing stock has been an issue which is the result of low paying jobs and transportation issues. The housing clinic currently housed at the armory addressed all those issues in a collaborative effort with Elevated CDC.

The developers who are their partners, actually own the properties in Kent and Sussex Counties that they will be able to accommodate the affordable housing needs.

They also have been looking at the property in Milford and have reached out to the owners of blighted properties with the hope to purchase those properties at a reasonable cost and repurpose them for either transitional housing or affordable rental properties. They were able to discuss that with three property owners and one they left a message.

With regard to reaching out to communities, they have already been working on a fundraiser that will launch the middle of September through social media. Many of the Milford residents are already aware of the services that are currently available at the Armory which include housing, counseling, credit, budget counseling, financial literacy, in addition to after school programs for the youth.

They also surveyed residents about services they want to see and need that could be provided out of the Armory location. They also began disseminating info on their statewide partnerships. They have also garnered the interest of an organization that wishes to partner with them and be housed at the Armory at the tenant. They are prepared to bring mental health workshops, skills and services, as well as addiction therapy at the Armory.

When they were initially approached about the Armory, they discussed extensive renovations. She does not feel it needs extensive renovations, but instead TLC and needs to be lived in, utilized and the work that needs to be done will be accomplished by Elevated CDC crews at their costs. She assured Council they do generate enough revenue to pay them, but to fund the renovations. With Council's permission, they hope to proceed with the rentals up and prepared in order to receive the additional revenue from the rentals. In that manner, their funds can continue to be used to provide additional services and programs for the community.

Solicitor Rutt then explained that the lease was originally between the City of Milford and the Delaware Community Reinvestment Action Council (DCRAC) for an initial term from February 7, 2019 and would terminate on February 7, 2020. It also has an automatic renewal for one year.

He noted that paragraph five titled 'Sublease and Transfer' states that tenant may sublet specific spaces within the premises subject to the conditions below, but may not assign or otherwise transfer its leasehold interest therein.

The subletting paragraph says it is understood by both parties that the premises shall only be occupied by non-profit or not for profit organizations that serve the public good and meet the terms of the City's deed restrictions. Tenant may sublet office space, or rent use of spaces, within the premises to such organizations that fulfill this requirement and comply with the terms and conditions of the Conditional Use Permit issued by the City of Milford.

Mr. Rutt further explained that under the terms of the lease it cannot be assigned or transferred. However, if Council agrees to mutually terminate it and enter it into a new lease that would be a possibility. Then Council would have the opportunity to renegotiate all the terms from A-Z in the lease.

The lease, as written, and entered into, in January of this year, it cannot be assigned or transferred.

Council then discussed the process that needed to be followed, and whether the current lease should be terminated and the new organization reapply. Mr. Rutt said the other option is to allowed Elevated CDC sublease.

It was confirmed that DCRAC would continue to be the lessee/tenant in that situation.

Ms. Harrison confirmed that DCRAC is open to terminating the lease. She sent them an email after the last Council meeting to verify that request.

Councilman James pointed out the agenda states 'transfer' the lease and then there is a question of whether DCRAC wants to sublet. However, now there is an option to terminate the DCRAC lease and authorize a new lease with Elevated CDC.

Ms. Harrison verified that the intent is to terminate the current lease and approve a new lease with Elevated CDC based on the non-transferrable clause.

Councilman Culotta asked if it can be terminated now or does DCRAC need to be here to make a case for the termination. Councilman James asked Ms. Harrison who she was present to represent and if it was both organizations. Councilwoman Peel said that is the issue brought up last time and she is concerned it is a conflict of interest and she is uncomfortable making a decision because of that.

Councilman James agreed that is the reason Council asked that someone from Elevated be present, which appears to be Ms. Harrison but another person DCRAC. Councilman Culotta agreed that is where this was left off.

Councilman James pointed out that Council has to be careful and needs to do things very methodically.

Ms. Harrison said that DCRAC sent a letter but she did not see it until it was too late, but passed it on later. Regardless, they are willing to attend the Council meeting to express their wishes or they wish to have their Council submit the request in writing.

Councilmember Wilson said that is where they left off and what is Council asked for, not that they are unwilling to do the new lease. They simply want their representative to be here and present that information. Milford City Council will then proceed.

City Manager Norenberg said that he received a letter that came too late to make it into the packet that comes from DCRAC that provides their notice, as required by the lease agreement, of termination for business purposes and fully supports Elevated CDC's request to lease the Armory and rehabilitate the building for community uses.

It further states that once renovated, as was previously planned, Elevated CDC will insure the building is used for community-based programs and partners and that DCRAC agrees to continue to be a partner.

Mr. Norenberg said that though it was too late for the packet, it indicates the support for the transfer option unless Council wants to come back and have a third discussion with an actual representative. He confirmed that he received it on the day of the last Council meeting and was too late to get into the last packet. He was received some updates in the meantime and was unsure if things were going to change which is the reason he did not include in this packet. He did have an out-of-date letter that have changed from Ms. Harrison's perspective and there is a need to get these documents current based on the advice from the City Solicitor.

Councilmember Wilson said that is what Council wanted and because they never have addressed them, it would clarify and answer any questions about who they are and what they represent and the relationship between the two organizations.

Ms. Harrison confirmed the letter was from the Deputy Director who is one of the three attorneys that works for DCRAC.

Councilman James said to be fair Elevated, DCRAC and the residents of this City, what is needed in order to properly terminate the current DCRAC lease and is there any due diligence that needs to happen to enter into a new lease with Elevated.

Solicitor Rutt explained that to terminate the lease, approval is needed from both parties. The due diligence was the ability of the tenant to care for the building. There is no rent, no security deposit, but the lease states that as consideration for the use of the premises, the tenant will pay all utilities, custodial services, supplies, internal and external maintenance, repair expense, insurance and will manage the administration of other subtenants and share in the cost of the utilities, custodial services, supplies, can make improvements, subject to written consent from the City, which won't be

unreasonably withheld, which at a minimum, include installation and repair of heating and cooling, painting, installation of floor covering, roof repairs, plumbing, electrical repairs....

Mr. Rutt directed Council to make sure there is the ability of Elevated CDC to fulfill those obligations and take care of the consideration for the waiver of rent.

Councilman Culotta said they also took public comment when this was first considered and recalled several residents speaking at that time. It was noted that this involved a public hearing required by the Conditional Use Permit which remains with the property and not with the individual tenants.

Councilman James wants to prevent having Ms. Harrison return again, and would like to see everything in place for the next meeting. Ms. Harrison understands what Council is asking for and she reiterated that the attorney for DCRAC thought her letter would suffice in regard to the termination of the lease.

Councilmember Peel said to summarize the last meeting, she felt there was a potential conflict of interest having only one representative from both organizations in the transfer of the lease. The other component is that Ms. Harrison said the CDC is the primary funder because of the way the grant money is flowing toward workforce, which was kind of the buzzword. The Councilwoman asked if those funds are going to be encumbered as far as property maintenance.

Ms. Harrison said no, that was one of the reasons she started her report off with the areas they have been able to generate funds. The grant is not just workforce, but is really around employment, around living. It is that Elevated CDC has the ability to not only garner grants that would be from workforce and from social services, but also the ability the generate income. Of that, \$52,000 to \$60,000 was generated income that would be put right back into the building.

She said that did not count the workforce that is paid for to take care of the maintenance on building which will come from Elevated.

Ms. Harrison also explained friend-raiser and not necessarily to generate funds because money is generated through grant writing and through income, but is to friend-raise so that people know they are there and people support what they know. It is really to bring awareness to the services that are there and to bring along additional tenants, besides they ones they have already talked to.

Mayor Campbell suggested this be postponed. Solicitor Rutt then added that in response to the question of what due diligence is needed, he commented that as part of the lease itself, DCRAC provided budgeted, saving and credit training counseling, home ownership education and foreclosure prevention and the Armory would be used for those programs and services and develop relationships with other nonprofits.

Mr. Rutt recommends something else that would need to be determined if whether Elevated needs the entire building or only a portion of the building and which of those services that DCRAC represented would now be provided by Elevated.

Ms. Harrison explained that DCRAC and she are working out an MOU as she is in the Southern part of Delaware and the rest of the staff is in the northern portion. She is also maintaining her certifications and is a certified counselor in housing, foreclosure prevention and financial literacy. She would maintain her certification as a result of her MOU with DCRAC and those services will continue to be provided. Therefore, Elevated and DCRAC will have two separate offices, though those services will continue to be provided and not much more space that Ms. Harrison takes up will be required.

The Solicitor recommends that be discussed at the time, and he only wants to gives her a heads up of some of the responsibilities that are required by the lease.

Councilman Boyle moved to postpone action on the Armory lease transfer until after all documentation has been provided and sufficiently reviewed by the City Solicitor, after which Council can proceed with the authorizations, seconded by Councilman James. Motion carried.

Incentives/Reduces Value Threshold from \$15,000 to Zero

Planning Director Rob Pierce reported that the next two items relate to the discussion Council had a few months ago regarding the Downtown Development District program and area.

He referenced the memo stating as follows:

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

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

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

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

The below ordinance amends Chapter 19 pertaining to the DDD local incentives and the DDD boundary as approved by the State of Delaware.

When asked for public comment, June Finocchiaro of 213 South Walnut Street, asked how Council decided where this grant money went to. She stated that it seems like, if we were doing a downtown area, she would think the development would go from the middle and out. That is how basically you get development that is kind of equal. Then the next one would go out from there.

She stated that she has lived in Northern New Jersey and New York City, and that is how they do things. She sees that area right there and doesn't understand. Because she drives that area and doesn't understand how that is 'downtown'. She said maybe someone can explain.

Mr. Pierce explained that this item actually addresses local incentives. What she is referring to is the next agenda item.

There being no one else who wished to speak on the ordinance, the floor was closed to further comment.

Councilman Culotta moved to adopt Ordinance 2019-07, seconded by Councilmember Peel:

ORDINANCE 2019-07

WHEREAS, in 2016, the City of Milford desires to adopted an ordinance to provide procedures for the consideration of economic development incentives and the use of economic development tools; and

WHEREAS, the State of Delaware recently raised the minimum threshold for small Downtown Development District (DDD) projects from \$15,000 to \$25,000; and

WHEREAS, to remain consistent with the State of Delaware Downtown Development District Rebate Program requirements, staff presented the proposed increase to City Council; and

WHEREAS, City Council felt it was in the best interest of potential developers to no longer consider a minimum improvement value by offering the DDD incentives for any type of improvement, regardless of its value.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section I.

Chapter 19 - ECONOMIC DEVELOPMENT AND REDEVELOPMENT

Section II.

Article II, is hereby amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

ARTICLE III - Specific Economic Development Incentive Programs

An applicant for economic incentives under this chapter must apply for and meet the conditions of one of the SEDIP programs available under this Article III.

§ 19-8. - Greater Milford Business Complex Incentive Program.

§ 19-9. - Downtown Development District Incentive Program.

A. Eligibility.

(1) Eligible Projects shall include any new residential or commercial construction, redevelopment, or expansion within the Downtown Development District and meet the following criteria:

- (a) Is located within the target area; and
- (b) The fair market value of the materials to be used and the labor to be performed on the project exceeds the sum of ~~\$15,000~~ zero (\$0) dollars; and
- (c) Is for commercial, office, and/or residential use; and
- (d) Conforms to the intent of this ordinance.

Section III. Council Meeting Dates:

Introduction: August 12, 2019

Adoption: August 26, 2019

Section IV. Effective Date.

Ordinances are effective ten days following the adoption by City Council.

Motion carried.

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

Planning Director Pierce explained this resolution relates to the district expansion. He recalled at a couple meetings, Committee and/or Council discussed expansion options. The DDD is focused at uplifting areas that have high vacancy rates, low income populations, blighted structures, vacant land available for development. The City's DDD program is

intended to promote home ownership, reduced vacancy rates and eliminates some of the blighted structures that have degraded over time.

During the review, they looked at concentration of areas involving code violations, rental properties, land that is available to build on and some Census data.

The area is centered around the central business that promotes the commercial corridor plan, though there is a significant residential component to the application.

Mr. Pierce also noted that the Delaware State Housing Authority is the agency that administers the grant program. That is the reason there is a major focus on not just commercial re-development, but residential redevelopment in those areas needing resources to all types of investments.

Two options were considered. The southern option came down Washington Street, over to Ball Park Land and navigated around the Parks and Rec facility, which would encompass around fifteen acres for the expansion.

Also evaluated was the extension to the north. During the original application, Mr. Pierce tried to incorporate this area because resources are needed, though at the time, they were more focused on the area radiating from the river. Because the expansion was limited to fifteen acres, they did try to maximize the investments on privately owned land and removed any city-owned properties or easements in order to gain some additional areas. There are some properties around the water tower, Milford Museum and the Customer Service Building, that fit in, and somewhat squared off the areas these funds would be available.

Mr. Pierce reiterated that these are grant funds issued by the State of Delaware, that could recoup a 20% cash back for any investment on properties within the DDD area and the minimum threshold are \$25,000 and the City agrees to waive our building permit and impact fees. Improvements would include roof, siding, degraded wood, HVAC upgrades and enhancements that modernize some buildings that are more than 100 years old.

It was presented to the State Planning Cabinet Committee, who agreed with the synopsis and reasons for the specified area.

It now requires an official vote of City Council, after which the criteria would be updated.

Mr. Pierce re-reviewed the current DDD area and the area of expansion, as delineated on the map (attached).

There being no questions from City Council, Mayor Campbell opened the floor for comment.

Dr. Julie Kazimiroff of 202 South Walnut Street, explained she lived across the street from City Hall. Her question to the Council is why City Hall is not part of the Downtown Milford map. She said she finds it odd there is no focus here and this is downtown Milford.

Mr. Pierce reiterated the purpose of the Downtown Development District is to provide funds for privately owned lands. Because of that, he purposely left out publicly owned land because the local government would not be eligible for funds. Including City Hall would not benefit the program, and instead would eat up an acre of land that could be used by a property owner who could take advantage of the program. The Milford Museum is also ineligible, as well as the Customer Service Building, the land the City water tower sits on or any parks or right-of-ways along the river or owned by the City. The Downtown Development District was established based on the Central Business District that gently runs along the river through the heart of downtown. Then a third of the area involved high vacancy, rental rates and a lot of blighted structures on the southeast side and the same applied to the northwest side.

The City would like to have included more areas, but were limited to 170 acres, which was increased to 185 acres, but the analysis was done based on the criteria as determined by the State of Delaware.

June Finocchiaro of 213 South Walnut Street said she understand they have to draw the line someplace, and asked Mr. Pierce took a ride down South Washington Street or if his people took a ride down South Washington Street and see the open land and see things that people can't fix. She talked to a lot of people on South Washington Street and a lot of them are renters and they cannot fix it themselves. Plus, the people that own the houses don't fix them. She knows there is a code violation thing that is going on, but the point is somebody should ride down South Washington and if they can see that, they can see other things that are happening there too.

She said just on South Walnut, on the corner, that goes thru, there is a house on the corner that is owned by a corporation and they have not fixed up anything for these people. She has spoken to these people. There is garbage all the time, mattresses out the door. She has a house that she is fixing and improving a lot. She does not understand why this development is only there. Because if you go down South Washington Street, those people really need it. She does not know who owns the houses in this area that the City are giving the money too, plus \$25,000, she said she doesn't know where you lived, but the point is, when you have somebody that has to fix a roof, it is \$6,000. When someone comes in here and fixes up anything, they only know \$5,000 at a time. So, \$25,000 is going to be a drop in the bucket.

Ms. Finocchiaro also wants to know once you give them the \$25,000 in a grant, what performance do they have to do and how do we see the money really being used. Do they have to apply for it and fix it by what time? Ten years from now so they hold onto the building and hold onto the grant money and really don't fix it.

She would like to know how this town, giving the grant to someone that applies for it, looks at the performance and what happens with that grant and what they are planning. She knows a lot of people have rentals that they don't do anything about and the people shouldn't live like that.

Mr. Pierce explained the City of Milford does not provide grant funds for the projects. The grant funds are administered by the State of Delaware. So, the money would be rebated after the project is completed by the Delaware State Housing Authority. They review all the contractors' invoices and there are certain expenses that are eligible and that is reviewed by the State of Delaware.

Mr. Pierce wants to be clear; the City of Milford is not giving any money to any investments in the Downtown Development District area. The City does, however, forego the collection of building permit fees and impact fees, and provide full and partial tax abatements, depending on the type and amount of work that is done.

That criteria is in the City Code and available to the public. Landlords and property owners, tenants, or whoever may benefit from it, whether a commercial or residential property. He reiterated the City does not provide the grant funding and as a result, does not have performance measures in place.

Councilman Marabello wanted to add this is not an outright grant, but you receive 20% of what you have already spend. If you spend \$50,000, you get \$10,000 back after the work is done. That is the only way you will get the reimbursement from the State of Delaware through the DDD.

Councilman Marabello said he can attest to that because he is on the Board of the Community Place House and they just did extensive work and it is long process to gather the documents and do the work. Only today, the final item needed was the inspection and they check the work to make sure it was done, they ask where the money went and it is a good, valid program. In their case, it helped them to get the work accomplished.

Dr. Julie Kazimiroff of 202 South Walnut Street, spoke again, stating she is convinced about the layout and why it is going in those directions and it doesn't look like it is focusing on the downtown area and the community that is here. She

guesses she is misunderstanding something and that is why she kept asking where is City Hall and why there is nothing in area that is tangent to City Hall that is happening for the people that live south of that area.

She disagrees with Mr. Pierce stating she is not seeing it that way.

City Manager Norenberg referred to the memo in the Council packet that Mr. Pierce prepared for Council outlines the history of the process. This is the final stage in the approval process that began in the spring with reviews by one of the Council committees who looked at different areas to be added. There was a lot of debate at that time because only fifteen acres could be added.

Because of that, the City Manager explained that Mr. Pierce provided some options and Council reviewed them and made a collective decision to direct him to proceed with the map that has been presented and approved by the State Planning Office.

Mr. Norenberg said he hopes there will be a future opportunity to add some additional acreage, though this is the first time that has been allowed by the State of Delaware. If that happens, they will carefully review the area Dr. Kazimiroff and Ms. Finocchiaro talked about.

Mr. Pierce again explained the review and criteria process.

From the audience, Dr. Kazimiroff stated that a resident who has lived in this City for over thirty years objects to the direction (inaudible).

There being no further persons wishing to comment, Mayor Campbell closed the floor to further comment.

Councilman Boyle asked to make a comment. He emphasized this was not an arbitrary decision. It was researched and reviewed by City Council. There was a public meeting prior to making a decision to move forward. He stressed that every time he meets someone, he tells them to come to the Council meetings and read the agendas beforehand so everyone knows and understand what is going on. After the fact it is too late. There was public input and there were two meetings when this was discussed. And no one came. It was decided based on what Mr. Pierce just said and where the City would get the biggest bang for the buck.

Councilman Boyle moved to adopt Resolution 2019-08, seconded by Councilman James:

RESOLUTION 2019-08
RESOLUTION IN SUPPORT OF
DOWNTOWN DEVELOPMENT DISTRICT AREA EXPANSION

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

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

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

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

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

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

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

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

Attachment: 2019 District Expansion Boundary Adjustments Exhibit F

Motion carried.

NEW BUSINESS

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

Request withdrawn. No action needed.

Approval and Funding Appropriation/FY 2018-19 Budget Adjustment/Customer Service Department

Customer Service Manager Suzannah Frederick explained the Customer Service Department was over budget \$34,676 for Fiscal Year 2019. Employee medical coverage changes were made after the budget was approved which resulted in an additional \$17,000 of medical coverage.

In addition, the utility bill printing was over budget \$2,600, and credit card charges \$11,000 over the original budget.

The remaining \$4,076 is related to additional overtime and mid-year promotions and one-week salary and benefits of our new hire. A total of \$34,676 is needed to close out the fiscal year.

For the reasons so stated, Councilmember Peel moved to authorize additional funding of \$34,676 in the Customer Service budget with \$17,338 to be paid from Electric Reserves, \$8,669 from Water Reserves and \$8,669 from Sewer Reserves, in order to close out the 2019 Fiscal Year, seconded by Councilmember Wilson. Motion carried.

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

Public Works Director Mark Whitfield reported that they have been working on a project related to the Walnut Street Bridge for some time. The project entails bringing the bridge deck up to the same level as the curb on either side and making a mid-walk pedestrian crossing at Walnut Street.

Presently, pedestrians are required to use crosswalks at either Southeast Front Street or Park Avenue for a legal crossing. They have been working with DelDOT to determine what type of design is permitted based on the Delaware Manual on Uniform Traffic Control Devices. DelDOT's traffic engineers were supportive of the midblock crossing, which will create a safer, and more attractive pedestrian crossing.

Once a design and budget has been completed and approved by Council, funding sources for the project construction can be sought. The 2019 – 2023 Capital Improvement Plan identified the Walnut Bridge design project for the 2020 budget year, with funds coming from General Fund Reserves.

Councilmember Boyle moved to authorize \$10,000 from the General Fund Reserves for the Walnut Street Bridge Pedestrian Crossing Design Project, seconded by Councilmember James. Motion carried.

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

Public Works Director Whitfield reported that in preparation for DELDOT's planned paving of Southeast Second Street from Rehoboth Boulevard to South Walnut Street, KCI Technologies' engineering services have been utilized to prepare plans and specifications. The project was to entail the replacement of lead gooseneck water service lines, replaced of a section of the sanitary sewer line due to uneven slopes, and the replacement of deteriorated curbing as well as sidewalk where it is abutting curbing.

He reported the project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget. On August 22, 2019, at 2:00pm, bids for the project were to be opened in the City Hall Council Chambers, however, no bids were received. KCI will re-advertise the project for a new bid opening of September 18, 2019, and an expected Council award on September 23, 2019.

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

When asked why no bids were received, Mr. Whitfield believes the market is pretty tough and contractors are very busy. He plans to follow up with contractors to determine why they didn't bid and to drum up interest for the project, which is estimated at \$1.4 million.

Councilmember Brooks moved to authorize an appropriation of \$35,000 for professional services of the SE 2nd Street Utility, Curb and Sidewalk Project with funding as follows: \$5,000.00 (15%) General Fund Reserves (Streets), \$25,000 (70%) Water Reserves, and \$5,000.00 (15%) Sewer Reserves, seconded by Councilmember Culotta. Motion carried.

Sidewalk Repair Project/Low Income Criteria and Prioritization/Repairs

Councilman Culotta said that residents have been getting letters about their sidewalks that need to be addressed and homeowners have been provided three options—they can do the repairs themselves, they can have the City do it and finance it through the City or have the City put a lien on their house which would be satisfied when the property transfers.

He feels that not everyone was covered and recalls asking Solicitor Rutt if there is a program for low income homeowners. Mr. Rutt confirmed there is language in the code.

Section 197-5 reads as follows:

Responsibility for costs; financing.

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.

Councilman Culotta has determined that the City has never defined that low-income threshold. Nor has this been provided as an option.

According to the Code which requires homeowners be responsible for their sidewalks, Councilman Culotta said we need a program for low-income and decide what that is and determine whether the City wants to fund it.

He then asked why this wasn't addressed in the beginning. The only option the City has given low income homeowners, as it stands now, is placing a lien on their property.

City Manager Norenberg said one of the things the City does not have is an established program that sets any threshold and don't administer any programs in the City for low income or a process in place for staff to review income tax records or assets, to determine low income eligibility.

It was determined there is criteria for partial property tax waivers for seniors who qualify based on income.

Mr. Norenberg recalled that early in the discussions, it was proposed to handle it in this other manner, which would be a simpler and cleaner process than create a new program for review. Council agreed with the lien option in lieu of creating City funding and a process for evaluating income levels.

Councilman James recalled that when initially came before Council. Something he mentioned was it would be difficult to tell a homeowner they were responsible for sidewalks that were not actually not within their property line. That information was presented that the Code that goes back years and years, said it was determined it is not only Code in Milford, but in many other jurisdictions.

Prior to that, Councilman James asked if there was money available for those that cannot afford it through the State, locally or anywhere else. To this point, he agrees the Code does say that property owners that meet the low-income criteria may apply for financial assistance, provided City funding is available. Councilman agreed that was an omission, not by one but by all.

He agreed that when it was missed then, does not mean we should not address it now. From his perspective, if it's in the code we are not developing anything, the question is how to address what is in the code. Based on what he knows, where a statute may be missing, the City defers to the State.

Councilman James asked if we use the State threshold for low income or use the threshold used for seniors for tax abatements. However, he does not think we can ignore what is in the code.

Councilmember Peel believed we looked at a grant funding opportunity. Mr. Norenberg stated yes, the City had applied for CDBG funding but was denied. That was to fill in areas that had no sidewalks and sidewalks that were damaged, adding curb ramps, etc. Considering that requirement, they had to go door to door to verify low income status of those residents who benefit. Councilmember Peel recalled doing that and then it was denied. She said from that, there must be some language or a threshold because the City initiated that work. She feels that may be a good starting point.

She asked why the City didn't get it and it may be an indicator that those residents did not meet the threshold.

Mr. Peirce explained that an application was submitted to the Kent County CDBG Office. The income survey was very informal and was to gather information to allow the State to determine if they wanted to fund that project through the CDBG. He believes it met the income criteria, based on the informal analysis. However, the cost of the project was too high and they did not find it economical in terms of the overall costs per household and the application was denied. He believes the project was almost \$200,000 and the City would have matched 20% of the project.

Mr. Pierce noted that Delaware State Housing Authority publishes their income limits, which is based on the number of people per household. He is unsure of the process when it comes to reviewing someone's finances.

Regardless of that, Councilman Culotta pointed out we have language in the Milford Code and there is a need to come up with the low-income threshold, whether it is based on Section 8 Housing, and that can be used. However, that needs to happen because residents have received the card with three options and this should be one of the options. He feels that would cover everyone and he would not have a problem with this project.

Councilman James agreed adding that if we offer tax exemptions to the elderly who meet income thresholds, they are required to provide proof. Therefore, the City has some process already being followed. Right now, no one knows how many people would apply for it, but it needs to be an option.

Mr. Norenberg said the only place in the entire codified ordinances, with the language 'low income', is in the section about sidewalks. The condition for the Senior Citizen Exemption is for a person 65 years or older, having an income not in excess of \$15,000 per year for an individual or \$25,500 for a husband/wife, exclusive of social security or railroad pensions, and residing in a dwelling unit owned by that person. They are then exempt for the first \$40,000 property tax assessed valuation.

If Council would like him to look at the CDBG thresholds and bring it to the Finance and Public Works Committee, they could make a decision prior to the deadline for action.

Mr. Whitfield confirmed the contractor will not start on those sidewalks that were not repaired until November 1st. Bills will not go out until the February 1st or so which allows some time to address this.

Mayor Campbell then expressed concerns about a 95-year old homeowner whose son lives with her and received a notice. Mr. Whitfield explained that the use of aerial photographs in order to depict sidewalks and sometimes there were multiple properties on one aerial photograph which caused confusion among many homeowners. They plan to change that in future notices.

Councilman Marabello asked how many residents apply for the real estate reduction; Customer Service Manager Frederick said there were 185 credits of \$184 were provided this year.

Mr. Norenberg suggested cross referencing those 185 homeowners with the addresses of those that were flagged for sidewalk repairs. Councilman Culotta suggests adding another option to the card that the homeowner does not feel they qualify for the low-income threshold and I would like to come in and make my case.

Councilmember Peel noted that the standards need to be established first.

The City Manager said if Council wants to refer this to the committee, they will look into some of these things and evaluate numbers and how much needs to be budgeted as a supplemental appropriation.

Councilman Culotta moved to refer this matter to the Finance and Public Works Committee for review, seconded by Councilmember Peel. Motion carried.

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

Planning Director Pierce provided some history on the Simpsons Crossing Subdivision located between South Walnut and Route 113, south of Seabury. The subdivision plan was approved by City Council on May 29, 2007 for a total of 1,023 units, containing 455 single-family detached, 342 townhouses and 226 multi-family units. It was recorded with Sussex County Recorder of Deeds in 2007 and all approvals are still valid with the City based on Chapter 200 Subdivision of Land.

A few years ago, the property was purchased by Liborio Milford, LLC, represented by Mr. Lou Ramunno. The developer has begun site construction on the north end of the site. In the meantime, we have been working with the developer to finalize an updated development agreement because of the change of ownership.

During his review, the developer provided the City with a copy of the easement agreement (see Council packet) that was executed in 1993 related to a City sanitary sewer project that installed a 12" gravity main across the farm field from east to west. There was a main interceptor installed for the benefit of the region and the City across the farm.

Paragraph 8 states “if and when development occurs on the Simpson farm, the City will permit hook-ups to be made to the existing sewer main at existing cost”. The agreement was prepared by the City at the time and the developer is making the claim that the easement agreement language should reduce or freeze the sewer impact fees to the 1993 rates, which were \$600.00 per Equivalent Dwelling Unit at that time.

The request and copies of the agreement were forwarded to the City Solicitor for review.

Due to the ambiguity of the easement agreement language, it has been recommended we come to a mutual agreement with the developer. He proposes we incorporate a reduction of the sewer impact fee for 46 dwelling units that connect to that sanitary sewer main, which is the area within the easement, that was dedicated to the City at the time.

The current City sewer impact fee is \$1,561.00 per unit. That would be reduced by \$961.00 per dwelling unit, or \$44,206.00 in impact fees.

Mr. Rutt shared the Agreement of Easement was attached to the deed and wasn't an obvious agreement. The language is very vague and states that if and when, the development (no definition) occurs on the Simpson farm, the City will permit hookups.

The Solicitor believes it was prepared by the City of Milford at the time and was definitely entered into between the City and the then-owners who were the Simpson/Kennedy family.

There was somewhat of a cost assessment of do you really want to litigate this thing and what would the outcome be. Since there are more than 900 possible houses, the argument could be made that all 900 should fall under the 1993 rate. Instead, they have agreed to 46 units. That leaves almost 900 units that will go in at the current rate or the rates going forward.

After a review of the options and potential outcome, Mr. Rutt recommends taking the deal.

Mr. Pierce explained that if Council decides to move forward, an updated agreement would be presented to the developer for review. Upon concurrence, the agreement would be brought before City Council for final approval.

Solicitor Rutt then read several excerpts from the agreement. Council agreed the language is vague which put the City in the wrong.

When asked if there is vagueness on the balance of the units, Mr. Rutt explained that Mr. Pierce discussed this with the developer and that is what has been agreed to.

It was confirmed the agreement will be writing, with language added to their Development Agreement and he wanted concurrence before that was done.

The Solicitor assured Council the language will be precise and not vague.

Councilmember Peel moved to authorize Planning Director Pierce to add language reducing the City sewer impact fee from \$1,561.00 to \$600.00 for 46 residential units to connect to the sanitary sewer main that was installed within the acquired easement in 1993, seconded by Councilmember James.

It was confirmed this is a mix of residential units including single family detached and townhouses.

Motion carried.

Discussion/Proposed Business License Program

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

Mr. Pierce gathered information regarding business licensing programs from the top 20 most populated municipalities in the State:

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

Based on the information collected, Milford and Seaford are the only municipalities that do not have a business license program at the moment. The lowest fee being charged was \$20.00 by the Town of Millsboro and the highest was \$150 by the Town of Elsmere. The average minimum fee charged is approximately \$83.00.

Some municipalities have a range of fee depending on the type/size of business though the table reflects the minimum and maximum fees in the cities.

Assuming there are 500 businesses in the City, there is an estimate annual cost of \$15,000 to administer the program. This is broken down by \$1,000 for software, \$1,000 for materials (notices, licenses, postage), \$5,000 for administrative (renewal notices, processing licenses) and \$8,000 for monitoring (auditing, site visits, enforcement, late notices).

Based on this information, the license fee would need to be established at a minimum of \$30 per year to cover expenses.

Mr. Pierce noted that the City currently requires Contractors and Transient Merchants to register annually with the Planning Department. The annual license fee for a Contractor is \$100.00 (new license is prorated after six months) and the annual license fee for a Transient Merchant is \$50.00.

If proceeding, the program would begin January 1, 2020 for any new businesses. Existing businesses would get notifications in January 2020 requiring registration by June 30, 2020. Both new and existing licenses would be valid until December 31, 2020.

Mr. Pierce asked for guidance from City Council on the proposed annual registration fee in order to finalize the ordinance language and prepare an updated Department fee schedule.

Councilman James pointed out the purpose for considering this was from the Police Chief's perspective, to gather information so we know where the businesses are and who occupies them and how to contact them. It was never intended to be a revenue generator, but instead the proper information for law enforcement purposes.

He recommends it not be a graduated fee based on the size or type of business. Once information is gathered, the same information is obtained from every business.

Councilman James also emphasized that Council only wants to cover the costs of the license and if \$30, he recommends moving forward with the City of Milford business license in the amount of \$30.

Councilman Morrow suggested obtaining the same information from utility bills; Councilman Culotta said exactly. He said the point of the matter is because when the police have an alarm and they can't find the owner and the information they have is outdated.

Councilman Culotta feels this is a regulation on business. He said Milford needs to be a business-friendly environment and the cost should be negligible. He recommends \$20 which aligns with the lowest fee in Delaware. If there is a need for a database for the police to know which businesses in town, the City has that already through the electric bills. He asked why the police don't have access to that information they can review and when the police can't find someone, they can look at the electric bill and get that person's name.

Councilmember Wilson recalled this being discussed previously and one thing they found is that the names or owners change names. There may be a new business or owner in a location, but they do not always change names on their electric account. When the police go to that establishment looking for John Smith, and they find that John Smith no longer runs that business. It makes it very difficult for the police to respond to a complaint if they don't know who are they looking for.

Councilmember Culotta said that is a shortcoming in our electric billing system.

When asked to comment, Chief Brown said the primary purpose was because of the false alarm ordinance. The department sends out a fine after three false alarms in a period of one year. That system is based on the address and an address is automatically billed after three alarms. In the meantime, a different business is now there. Often, they find a business receives a bill after they have only had one alarm. There is no way for his staff to track that.

Councilman James confirmed the name the electric utility is in does not provide the information the police department needs. Chief Brown said he does not know what is in the electric system as he has never seen it.

Solicitor Rutt agrees the police are not privy to those accounts because it involves some privacy issues.

Councilman Boyle recalled that Chief Brown also pointed out if there is a complaint or incident at a building, the police do not have the proper information. Chief Brown stated that is correct and part of that business license application could contain emergency contact numbers.

Councilman Boyle also stated the other leverage is that if it became a nuisance property, the license could be withdrawn. Chief Brown agreed that business license would then be revoked.

Councilman Boyle feels this has been discussed enough and Chief Brown agreed. Councilman Boyle feels this is an important item. He also noted that this is only an estimate of what the costs would be, and rather than come back in a year and say we estimated incorrectly, he recommends \$35 which is minimum but does cover the cost and move forward.

Councilman James said for the record, he is pro-business and wants business to come to Milford and does not want to regulate business. However, he feels this is a common sense request by the City's head safety officer for the benefit of the City of Milford. He stressed this is being done at a rate that just covers the cost. In his opinion, it makes sense to the business and the entire community to enhance safety.

Councilman Morrow asked the process to gather this information and would it be the same process to gather the electric bill information that the police are getting wrong. He said otherwise, we are going to have another database of wrong information and he wants to know how this will be different and more accurately.

Mr. Pierce explained that from an administrative standpoint, this would be very similar to the City's rental and contracting licensing program where each business would register annually. Any change in contact information would be notated on the return slips mailed with their annual registration fee and that database would be updated.

He said there is a separate licensing program and why he built into the estimate the associated software costs.

The information that will be submitted is what his staff and Chief Brown have agreed will be beneficial.

Councilman Morrow argued how the information in the electric bills is privy when the City is collecting the same information and it is not privy. He does not think this makes sense. Councilman Culotta agreed.

Solicitor Rutt emphasized there are privacy issues regarding utilities. Specifically, State Laws about the disclosure of utility account information. He said we had a recent situation where someone was claiming exemptions on utilities. A lot of that information must be kept private and some had to do with medical information.

Mr. Rutt then commented that his main office is in Georgetown. They pay a rental fee, a landlord fee because they own the property in one entity and rent in another, a business license and one more. Councilman Culotta said this is not Georgetown. Mr. Rutt explained he is using that as an example. That information is shared by the police and the fire department so that they know who owns the property, who occupies the property and any other businesses being run from the property.

Councilman Morrow doesn't think it is a good idea, but wants to know why one person has to provide the same information more than once.

Councilman Culotta feels businesses should not be charged more than \$20. He also feels it should be very limited because there are a lot of unintended consequences. If this is to provide information to City management or the police, that is fine. But if it is to pull a license in the case a business is doing something wrong that is bad for the City, that is fine too. But nothing else. The City cannot regulate them anymore than that, it needs to be plain, simple and cheap.

Councilman Marabello said he does not think \$35 is exorbitant adding that is \$3 a month. Councilman Culotta said to a business who is already paying \$75 to the State of Delaware. To many businesses, that is a lot of money.

Councilmember Wilson pointed out that it is needed by the police and Mr. Pierce has done a lot of work, even to the point of finding the average of \$84. To sustain the administration of the license will cost \$30.

Councilmember Wilson moved to accept the \$30 license fee and that Mr. Pierce proceed with the associated ordinance, seconded by Councilmember James.

Councilmember Culotta said he wants to make it \$20.

Councilmember Marabello said he is in favor of the ordinance but is concerned the \$30 will not cover our costs. Councilmember Morrow said he is opposed because \$30 is too high.

It was noted this will be adopted by ordinance and the reason the amount is needed when it is published.

The motion carried by the following 6-2 roll call vote:

Marabello-yes.

Boyle-yes.

Peel-yes.

Culotta-votes no he does not agree with the basis.

Brooks-yes.

Morrow-no the amount is too high for businesses and \$20 is much more reasonable.

James-yes, the things Council asked the Planning Director to do and the amount that he proposed only covers the cost of administering the license.

Wilson-yes, ditto what Councilman James stated.

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

The City received a written petition from Baltimore AirCoil Company to be annexed into the City. The resolution will permit the Annexation Committee to investigate the annexation request.

It was noted this has been in the works for years and that the agreement was signed in 2006 though they were in negotiations with the City prior to that.

Mr. Pierce was commended for pursuing this for the past four years.

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

Councilmember Boyle moved to adopt Resolution 2019-12 and forward the request for a recommendation, seconded by Councilmember Peel:

RESOLUTION 2019-12

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

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

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

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

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

3) North 06°45'46" West 78.53 feet; thence 4) North 21°43'49" West 76.42 feet; thence 5) North 32°09'39" West 128.58 feet; thence 6) North 78°17'45" West 37.14 feet; thence 7) South 68°06'32" West 26.11 feet; thence 8) North 66°22'48" West 23.24 feet; thence 9) North 34°55'59" West 11.56 feet; thence 10) North 78°12'49" West 10.31 feet; thence 11) North 50°01'04" West 12.45 feet; thence 12) North 10°04'15" West 14.21 feet; thence 13) North 78°42'40" West 43.16 feet; thence 14) South 74°46'37" West 47.89 feet; thence 15) North 36°28'42" West 22.28 feet; thence 16) North 77°51'17" West 9.36 feet; thence 17) South 55°33'29" West 35.98 feet; thence 18) North 82°03'35" West 15.89 feet; thence 19) North 61°40'39" West 18.26 feet; thence 20) South 80°33'17" West 12.51 feet; thence 21) North 45°30'31" West 10.86 feet; thence 22) North 03°24'47" East 12.49 feet; thence 23) North 26°34'45" West 15.29 feet; thence 24) North 73°07'32" West 12.01 feet; thence 25) South 72°10'42" West 12.32 feet; thence 26) North 62°21'41" West 24.20 feet; thence 27) North 29°28'45" East 25.11 feet; thence 28) North 40°26'54" West 16.55 feet; thence 29) North 27°59'18" West 11.04 feet; thence 30) North 03°42'11" West 14.75 feet; thence 31) North 59°40'16" West 10.03 feet; thence 32) North 88°18'36" West 13.89 feet; thence 33) North 62°46'45" West 15.18 feet; thence 34) South 81°50'06" West 20.75 feet; thence 35) North 54°24'29" West 15.51 feet; thence 36) South 76°51'26" West 13.13 feet; thence 37) North 66°25'07" West 13.71 feet; thence 38) North 87°30'28" West 10.26 feet; thence 39) North 69°01'09" West 41.09 feet; thence 40) North 22°10'06" East 12.99 feet; thence 41) North 11°30'44" West 40.88 feet; thence 42) North 44°46'42" West 40.57 feet; thence 43) North 77°21'51" West 24.59 feet; thence 44) North 29°29'46" East 26.54 feet; thence 45) North 75°44'13" West 36.96 feet; thence 46) North 05°37'15" East 28.39 feet; thence 47) North 55°01'12" West 33.19 feet; thence 48) North 22°48'04" East 11.59 feet; thence 49) North 23°36'25" West 7.85 feet; thence 50) South 87°13'13" West 15.76 feet; thence 51) North 49°19'05" West 29.82 feet; thence 52) North 40°14'52" West 47.03 feet; thence 53) North 25°06'01" East 5.56 feet to a point in the centerline of Ludnem Branch and at a corner of this parcel and the lands of R & C Fry Farms LP, said courses and distances having a tie line with a bearing and distance of North 48°31'06" West 1035.23 feet; thence departing the centerline of Ludnem Branch and continuing with the lands of R & C Fry Farms LP the following two courses and distances 54) North 85°01'06" East, passing over a found concrete monument at 5.42 feet and continuing a total distance of 405.34 feet to a found concrete monument; thence 55) North 05°33'56" West 1000.05 feet to a found concrete monument at the corner of this parcel and in line with the southerly right of way of Holly Hill Road; thence with said Holly Hill Road right of way 56) North 84°26'04" East 1200.27 feet to the point and place of beginning, and

CONTAINING 49.25 +/- acres of land, more or less.

has been submitted to the City Council of the City of Milford.

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

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

Motion carried.

EXECUTIVE SESSION

Councilmember Peel moved to go into Executive Session reference the below statute, seconded by Councilmember James:

Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:45 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 9:15 p.m.

No action needed as a result of Executive Session discussion.

ADJOURNMENT

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

The Council Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
2019 DDD Expansion Boundary Adjustments Exhibit F