

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 14, 2019

The City Council of the City of Milford met in Workshop Session on Monday, October 14, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:35 p.m.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

*Lights-On: Milford Strong/Project Completion Report*

City Manager Norenberg reported the workshop is for the post launch briefing for the Lights on Milford Strong Program. He acknowledged several members of the project from the health initiative.

HELP Initiative's Charles Kistler and Harold Stafford were in attendance, along with Tony DiPrimo from Energized Delaware/Sustainable Energy Utility, whose agency funded this project, along with the City's Green Energy Fund.

Mr. Stafford acknowledged the critical role that Energized Delaware/Sustainable Energy Utility in making this project a reality, along with DEMEC's Regional Greenhouse Gas Initiative funds that has together enabled the installation of almost 500 homes in the City.

He also introduced Program Manager Bether Rojas, Program Coordinator Rosalynd Rodriguez and Public Safety Expert Gerald Roderick.

Ms. Rojas then provided Council with the following presentation:

Milestone Schedule

1 MOU Agreement Executed	START March 15, 2019
2 Pre-Launch Plan of Actions & Milestones	March 16 – May 10, 2019
3 Launch Lights-On Campaign	May 13- September 30, 2019
4 Final Invoice, Status Report & Burn Rate Report	September 10, 2019
5 Milford River Walk Event/ATC Program	September 14, 2019
6 Post Launch Briefing to Milford City Council	October 14 @ 6:30 pm

Scope of Work

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

During the walkabouts and collecting information, a pledge that included notifying the police of any criminal activity and attending one of the workshops was done. Also provided were lady stickers on their mailboxes, which represented the home had participated in the Lights-On Program.

They provided outreach and community awareness and energy education workshops. One of the workshops was done in a Milford Church where 31 people attended. They were also introduced to the ATC program which changes the traditional interior lights to LEDs.

Three zones were targeted were included in the program area

Performance Benchmarks: Energy Efficiency

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

A total of 478 homes in Milford were included in the program. Of those homes, 27,268 total watts were saved as a result of one or two lightbulbs in the exterior of the homes.

In addition, 137 totals, want them to return and remove their lightbulbs from inside their homes; to date, 38 homes have been completed.

Lastly, she spoke about the Educational Workshops.

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

She concluded by saying that teaching someone how to save energy is the best way. They go a number of homes where the resident has no idea how to save money. Showing them the risk and the easiest way to accomplish is the best way for them to learn.

Mr. Kistler then talked about the educational workshops hat were broken down into three categories. Those include workshops, pop up events and outreach.

Referencing the stackable program, the first layer on the map is about a lights program and more importantly, a trust building relationship.

The second piece is the Home Energy Checkup Program. They then move from the outside of the house into a trust relationship inside the house to do the checkup which is an assessment of the home, they review the utility bill and interview the homeowners. They consider insulation, water temperature, crawl space, moisture concerns, etc. which takes approximately one hour.

Recommendations are then provided, in addition to referrals. Upon completion a report is composed and sent to the client showing the areas of concerns and what can be done to reduce their energy burden.

The last one is Healthy Home Assessments process called Health-On, Milford Strong. They have completed 100 assessments and have been working with the Division of Public Health, thanks to the City Manager's coordination. They have determined there are 62 children identified with elevated blood levels in Milford. That confirms the exposure to lead base paint is still a problem in Delaware.

Mr. Kistler expects the Healthy Home Assessment will be sometime in November.

He announced that the home energy checkups will continue indefinitely. He commended the Customer Service staff who allowed him to engage with the City's customers to show them ways to reduce the energy burden in their homes.

Mr. Kistler then referenced a map showing homes in the target areas and beyond that are consuming 20,000 or more kilowatts of energy on a twelve-month basis. They believe there is also a correlation between health, energy and public safety.

He also referenced homes with varying number of kilowatt hours.

Mr. Roderick talked about the public safety portion of the program. He said as they looked at the maps, they decided to go back and evaluate the impact on crime in the areas lit up. Working with the Police Department, they are now starting to collect the data that will demonstrate any impact with the hope of seeing good numbers.

They will compare the numbers by month, as they move forward, compared to the 2017 and 2018.

Mr. Kistler referenced another map using the data that Lieutenant Ed Huey provided in relation to specific crimes. Once they refine the list so that it directly relates to their goals with improved lighting, which is crucial to analytics.

What they have learned in Milford, is the ability to find more planners like Rob Pierce in other cities. He has been extremely helpful by providing the mapping and the technical data needed to target specific areas.

The cooperation with Chief Brown has been awesome and has really helped this project. The outreach and criminal statistics will allow this work to continue. If the stats are incorrect, their history is short and thanks Chief Brown for his assistance.

In addition, the partnership with the City's Customer Service Representatives has been immeasurable. There is a need to identify vulnerable community residents in need of energy conservation education and disconnection avoidance. Build trust by building bridges of hope and change for improved quality of life.

They will try to replicate that model in the other cities as a result of what has been created in Milford.

He concluded by talking about the progressive step process—light the porch, light the street (rehabbing streetlights to LED), then move into some kind of surveillance that would be used for intelligence gathering and environmental monitoring.

Mr. Stafford finished the presentation stating that one thing that is great about the Energize Delaware agencies is that they have taken a comprehensive approach to, not only looking at ways to improve energy outside the homes, but inside as well. He wants to acknowledge Angie Bivens who does energy administrative advisory work for Franklin Energy which is the lead agency funded by Energize Delaware to work on the inside of homes during the home energy checkups.

There being no further business, the Workshop concluded at 7:06 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 14, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 14, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Lisa 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 7:10 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 September 9 and September 23, 2019 Committee, Workshop and Council Meetings. Motion to approve made by Councilmember Culotta and seconded by Councilmember Brooks. Motion carried.

#### RECOGNITION

*Proclamation 2019-16/Dysautonomia Awareness Month*

Mayor Campbell read the following proclamation into record:

*Proclamation 2019-16  
Dysautonomia Awareness Month*

*WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;*

*WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;*

*WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;*

*WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;*

*WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;*

*WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;*

*WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;*

*WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.*

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

The proclamation was then presented to Leslie Wuenstel, RN. BSN, Co-Chair Dysautonomia International Delaware Support Group.

*Proclamation 2019-19/National Customer Service Appreciation Week/October 7-11, 2019*

Mayor Campbell will provide the document to the Customer Service staff later this week.

#### MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown.

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

#### MONTHLY CITY MANAGER REPORT

Mr. Norenberg referenced the City Manager Report that encompasses the various activities and projects in our City departments.

He noted the addition of several new categories that were not included in the past.

In addition, Mr. Norenberg shared that one of the side benefits of the water hydrant flushing program, also reduces some of the residual chemicals and amount of lead and copper has significantly decreased based on the three-year testing cycle.

Several street projects are approaching including the Southeast Second Street Project that will be focused on the removal of lead water service lines from the main to the meters.

Councilmember Brooks said that the Water Plant and Wastewater Operations Supervisor comes to his house every three years so that his water can be tested. He reported Councilmember Brooks' house is great. Mr. Norenberg thanked Councilman Brooks, adding there are a number of volunteers throughout the community that provide access for that testing.

Because of population has grown above 10,000, more testing will be required.

Councilmember Boyle moved to accept the City Manager Report, seconded by Councilmember Wilson. Motion carried.

#### MONTHLY CITY FINANCE REPORT

Finance Chairman James noted that as of August, the total of all funds is \$43.3 million of which \$4.9 million is in the utility impact fees.

In addition, there is \$28.6 in reserves with the bulk in water reserves in the amount of \$10.4 million and electric reserves of \$10.7 million. Also, there is \$4.3 million in general improvement/municipal street aid/real estate transfer tax and economic development funds. Of that, \$3.1 million is in real estate transfer taxes and an addition \$5.5 million in the general fund bank balance for a total of \$43.3 million.

He also commented that with 17% of the year expended, revenues to date at 23% is primarily due to 97.4% of the budgeted real estate taxes that have been collected.

Electric revenues are at 16.6%, operation expenses at 15.2% and electric subtotal expenses at 12.7%.

Chairman James also announced that at the earlier Finance and Public Works Committee meeting, the sidewalk project and low-income assistance standards were discussed. The Committee agreed to recommend to Council on how to move forward.

The Committee was also updated on the cost of service study City Accountant Sandra Peck. The preliminary draft report should be received in three to four weeks and the complete report ready within six weeks.

Councilmember Boyle moved to accept the Monthly Finance Report, seconded by Councilmember Wilson. Motion carried.

## COMMITTEE & WARD REPORTS

### *Lofland Property*

Councilmember Brooks referenced a recent edition of the Milford Chronicle which included an article about the Lofland property and their million-dollar property they want the City to buy. He has had inquiries about when the City is repaving Mispillion Street and South Marshall Street, which was torn up by the Moore school buses that parked by the Spoon Mill.

He continued by stating that Mispillion Street has been in the budget for several different years.

Councilman Brooks called the City Manager who explained there is another developer who will be responsible for the new streets when it is developed. About ten years ago, he said another developer was going to do the same thing and it never happened. Nothing was done by any other City Manager since then though Mispillion Street has been in the budget, which included new sidewalks. When they read the Chronicle about the Lofland property, he heard from several people who were asking how much longer before the two streets are done.

Mr. Norenberg confirmed the project is included in this year's budget and they are working with the developer, but to avail. As a result, the Public Works Director is preparing to complete the design process so it can be bid.

Public Works Director Whitfield explained the plans are currently in DNREC's hands for review, though they are only about 90% complete. They are still negotiating with the developer on his responsibility, as part of the project. He emphasized the last thing the City wants to do is pave the street, only to have it torn up a year or two later.

Mr. Whitfield believes we can craft an agreement with the developer that at the time when the property is developed, it would be a payment to the City in accordance with the plans and responsibilities agreed to with the original plan.

Councilman Brooks thanked the City Manager and Public Works Director for the update. He said a lot of residents thought the original developer Randy Burton was going to develop the land and he had made a lot of promises that was never followed through.

However, Councilman Brooks understand why it is being held up right now.

## COMMUNICATIONS & CORRESPONDENCE

### *Nemours Pediatrics Trick or Treat*

Councilmember Wilson invited trick or treaters to Milford's Nemours Pediatrics at 703 North DuPont Highway for a Trunk and Treat on October 29, 2019 from 6pm to 7pm. Carlisle Fire Company and Milford Police will be participating.

### *Brightway Commons Crime*

She also asked that a meeting be scheduled with Brightway Commons Complex. She has received a number of complaints and feels it is time to bring everyone together, including the police, to discuss the high crime occurring there, in hopes of finding some resolution.

#### *Mispillion Art League*

Councilmember Marabello reported that the entire month, the Art League is sponsoring the Big Draw. The third weekend is coming up and he expressed the importance of the public supporting that wonderful group.

Councilman James wanted to shout out in the spirit of Customer Service Week. He has heard several positive comments, in addition to his family experiencing the same with their staff and one employee in particular, Vicky Love. He said she has been providing outstanding service to our customers she has interacted with.

He has heard rave reviews and he has experienced it first hand, so he wants to make sure she gets that credit.

#### *Update/Council Retreat Goals*

The following reports were given:

#### *Livestreaming Council Meetings*

Councilmember Culotta referenced the 30-60-90/day deadlines for each project. He noted we are two months away and need to get it on an upcoming agenda.

Councilmember Marabello pointed out this goes two ways, to and from our constituents. He asked whatever happened to the public comment session and asked when it will be implemented. Councilmember Brooks recalled that residents were required to come in and sign up to comment each meeting.

It was confirmed that the matters they were discussing had to be related to any agenda item; Councilman Marabello does not recall that requirement though some Councilmembers though was changed later to comply with FOIA and the rules that were set. He did know there was no back and forth commentary, but only comments made by the presenter.

Councilmember Wilson also recalled that new items could be presented so that it could be added to the next agenda.

City Manager Norenberg recalled when Council established current procedures for Council meetings, at which time that was discussed. However, they chose to allow comment on specific items such as resolutions and ordinances, in addition to the normal public hearing item. However, that policy can be amended at anytime by a vote of Council.

Councilmember James suggested this be included in the conversation about town hall meetings.

#### *Town Hall Meetings*

Councilmember James reported that all information has been gathered as to how and what is needed to prevent any violation of FOIA. The next step is for Council to decide if a town hall meeting should be scheduled citywide or divided by wards.

He said the town hall meetings can be held as long as we adhere to FOIA, which includes any potential topics that should be considered.

Councilmember James suggests having a brief agenda, but also listen to the concerns of the residents in an open forum.

According to Councilmember Brooks, he has done it both ways. One time a town hall meeting was held at Carlisle Fire Company and all the Councilmembers attended and the room was packed.

He said they talked about council terms and some people wanted to move it from two years to three to four years. The citizens shot that down and instead wanted the two-year terms to remain. They did not want to be stuck a councilmember who was not doing their job.

He and Councilman Morrow had ward meetings all the time, until they had to have someone take minutes. Councilman Morrow agreed with Councilman Brooks they just kept having them.

Councilman Morrow recommends formalize it in a workshop and that way they can get it done before Christmas.

### *Strategic Goals*

Councilmember Peel said her responsibility was two-fold. Councilman Marabello was her partner who was investigating the communication outward.

She recalled they also discussed the strategic plan, which is on the agenda tonight for an update.

### UNFINISHED BUSINESS

#### *Adoption/Ordinance 2019-35/New Chapter 90/Business License*

Planning Director Rob Pierce provided a brief history. This has been discussed a few times during the past few months. At the April 22<sup>nd</sup> Police Committee Meeting, the Committee directed staff to review the previously proposed business license ordinance and prepare an updated version for Council consideration. As a result, a draft code amendment was presented to the Community and Economic Development Committee on July 8<sup>th</sup>, where it was determined that staff should proceed with finalizing the proposed language and evaluate the cost to administer the licensing program.

Some details were presented at the August 26<sup>th</sup> Council meeting, related to the cost of administering the program. Based on feedback at that meeting, he has moved forward with a \$30 annual license fee to only recoup the City's expenses.

Implementation of the program would begin January 1, 2020 for any new businesses. Existing businesses would get notifications in January 2020 requiring registration by June 30, 2020. Both new and existing licenses would be valid until December 31<sup>st</sup>.

The draft has been to both committees and the intent is to require all businesses physically located within Milford to be licensed, running concurrent with the rental license and contractor licenses.

Councilman Culotta appreciates the more favorable fee to the business owner, though he is not in favor a requiring a business to have a license. He recalled this business license was initiated and a benefit to the police department in the event there is a problem with a brick and mortar location and this will provide a point of contact in the middle of the night. He asked where the language is relating to the police which he feels is important because that is how the entire matter was promoted.

§90-3(E) Business License Required states that:

Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.

Councilman Culotta does not understand why a business would be required to do this and believes that a business who has three locations should not be required to register each and asked what the issue is.

Planning Director Pierce stated that often there are different owners/managers at each location, such as a Royal Farm or other similar store. Based on his research and comparing other city's ordinances, this is the general practice.

Councilman Culotta said Milford wants to business friendly and these businesses are being charged one fee after another, and regulation after another. The licenses benefit the City and not the business owners. He understands the physical

location respect and the benefit to the City, but he does not see a need for multiple fees for multiple locations, unless it is two different stores with two different names. He believes this is too much on the businesses.

Chief Brown said the Planner's example of Royal Farms is a good one because they operate as separate businesses, two different locations and two different sides of the City. The information the police need to gather would only be made available through a separate license.

Councilman Culotta said there is no language related to the police in the ordinance. Solicitor Rutt pointed out that under purpose it does identify health, safety, welfare and safety would fall within the perimeters of the police department.

Councilman Brooks said because the police only need the information, maybe we should charge only \$20.

Planner Pierce recalled the previous reviews and the estimate of the associated costs presented at the August meeting. Costs include staff time, resources, mailings, software, etc. It was estimated the program would call \$15,000 and that was based on 500 businesses which calculated to \$30.

Councilman Brooks asked if a new employee will be hired to handle this; Mr. Pierce said the plan is to roll it into our current licensing program with the current staff.

Councilman Morrow said notices would be mailed to each business to apply for the business license. He said that tells him the City already has the information available if we have the mailing information and asked for an explanation; Mr. Pierce said we may have some of the information available or work through the property managers for the larger shopping centers to provide additional information. Some may also have to be hand delivered. Whatever process works to get this information out will be done.

He doesn't expect to start with a full mailing list from City records, but staff will do what is necessary through multiple means.

Councilman James said it seems as though we are rehashing some of the items we have already resolved, but he wants to make sure it is clear.

He recalled there was a recommendation of a dollar amount for a \$30 fee. The \$30 did not include any profit for the City and would only recover the costs to administer the business license program.

Councilman James said if we disagree with the estimate of the costs that is another story and let's say that. But this is only to recover our costs and he does see how we can charge a smaller amount and leave the \$10 for the City to eat or other taxpayers to support. If so, put that out there in that way but the way it is being done is proper if we do this. This is only fair for all taxpayers, because otherwise that is where the difference will need to come from. He pointed out it would be taxpayer's money used to cover the \$10.

Planner Pierce recalled that Milford is only one of the two large municipalities that do not have a business license. The range was from \$20 to \$150 for business licenses. The City of Newark has one license fee that is \$3,900 related to nighttime entertainment. The average minimum fee based on all towns was \$83.78. The \$30 fee will put Milford as the second lowest in the State, but will recoup our costs and provide the information that is needed.

Councilman James then pointed out the information that our police department needs and though there may be some information available on electric bills, or other bills, because of privacy law violations, the police department staff is unable to access that information. Councilmember Culotta said that is correct.

Councilman James emphasized they need a means of getting the proper information and having a direct contact for a particular establishment to make this work, for the health, safety and other issues related to public safety of our residents.

Councilman Culotta said that in the interest of being interest-friendly, he recommends the City eat \$10 of the costs and make the fee \$20.

Councilman Boyle pointed out that from a business-friendly aspect, we are providing an atmosphere that gives the businessowner some reassurance that they have contact with the police in the case of an emergency. It gives the City the ability to control the guys that are not good players for health and safety violations. This provides the ability to protect the citizens by potentially suspending the license should they violate safety and health regulations.

Councilman Boyle feels it is a win-win for everyone and \$30 a year is minimal and not going to put someone out of business and the only the cost of managing the program. This will not be a revenue-generating fee but are hoping to control a little of what is going on in this town. As we grow and businesses come in and expand, the City really can lose control by not knowing who or what is out there.

Councilman Culotta reiterated that they have the ability to search the State website and look up any business in Milford. Councilman Boyle said the Chief made the point he is unable to access the data if it is needed in an emergency. This will provide that information for the welfare of the City for \$30 a year.

Councilman Culotta then pointed out that there are nine criteria that each business must provide. Personally, he does not have an issue with any other of those, but does with section b which states:

*After reviewing the business license application, the City Manager may request such other information as is necessary to answer any questions raised by the application regarding the operation of the business.*

Because it is not defined, Councilman Culotta said it can be as difficult or friendly as he/she wants to be.

It was noted the intent is not to create an unfriendly environment.

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

Councilmember Wilson moved to adopt Ordinance 2019-35, as submitted, seconded by Councilmember Marabello:

*ORDINANCE NO. 2019-35  
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MILFORD  
PART II GENERAL LEGISLATION, BY ADDING  
A NEW CHAPTER 90, ENTITLED BUSINESS LICENSE*

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

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

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

*NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

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

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

*§ 90-1 Purpose*

*The City Council has deemed it to be in the best interest of the residents of the City and in furtherance of their health, safety and welfare to issue business licenses and establish procedures governing the issuance of business licenses in order to identify owners/operators of businesses, track changes in ownership and/or business activity, define the nature of*

*business activities, ensure an understanding of and compliance with City codes governing business operations, and provide necessary approval, enforcement, and compliance procedures.*

*§ 90-2 Definitions*

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

*BUSINESS-Any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general commercial activity with a physical location within the corporate limits of the City that requires a business license with the State of Delaware, Division of Revenue.*

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

*§ 90-3 Business License Required*

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

*§ 90-4 Business License Application*

- A. Every application for a business license submitted to the City shall be in writing, verified by oath or affirmation and signed by the applicant(s), and shall include the following information:*
  - (1) Company/business name;*
  - (2) Phone number and street address of business (physical location, not post-office box);*
  - (3) The name, title, phone number(s) (home and cellphone), and address(es) of the owner(s);*
  - (4) Name, cell phone number, and email address of the authorized manager or representative to be used for emergency purposes;*
  - (5) Federal Employer Identification Number or owner's Social Security Number (last four digits only);*
  - (6) The trade, business or occupation for which the license is being requested;*
  - (7) Number of regular full time and part time or seasonal employees;*
  - (8) A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi- governmental agency (i.e. Alcoholic Beverage Control Commission, Administrative Services, Banking Commissioner, Insurance Commissioner, Public Service Commission, Department of Natural Resources, Environmental Protection Agency, Internal*

*Revenue Service, etc.). Possession of any such license or approval shall not exempt a person from obtaining a City of Milford business license; and*

- (9) *A statement that the business has complied with and will continue to comply with all codes and ordinances of the City.*

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

#### *§ 90-5 Business License Application Review*

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

#### *§ 90-6 Business License Fees; Delinquencies*

*A. The fee for a business license shall be set by the City Council each year as part of the City Fee Schedule.*

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

#### *§ 90-7 Code Compliance; Zoning Certificate*

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

#### *90-8. Exemptions.*

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

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

#### *§ 90-9 Inspection by City Officials*

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

*§ 90-10 Suspension of Business License; Penalties*

- A. Suspension of business license. The City Manager may order a business to cease operations in the City and suspend its business license for any of the following reasons:*
- (1) The business is found to be operating in violation of the terms of this chapter.*
  - (2) The business is more than 60 days late in renewing its business license.*
  - (3) The business is in violation of any regulations of the Milford City Code or the laws of Delaware.*
  - (4) The Fire Marshall or any public safety authority having jurisdiction has requested that the business activities cease until certain conditions have been remedied.*
- B. The City shall provide the business with written notice of the violation(s), which notice shall state that the business shall be ordered to cease operations and its business license shall be suspended without further notice if within 10 business days of the date of the notice the business fails to remedy the violations or file an appeal with the City Clerk's office. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the business. If the business does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the business shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a business to cease operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.*
- C. Penalties. Any business that does not remedy the violations within the prescribed time period shall be assessed a penalty of \$100.00 as of the date the notice of violation was delivered to the business. Each day thereafter that the violation is not remedied shall be considered a new violation subject to a new penalty, provided that no additional notices of violation shall be required. Notwithstanding the foregoing, no penalties shall be assessed if:*
- (1) The business remedies the violation(s) within 10 business days of the date the notice of violation was delivered to the business; or*
  - (2) The business files an appeal with the City Council that is resolved in favor of the business. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of Delaware to recover any unpaid fee.*

*§ 90-11 Appeals Procedures*

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

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

§ 90-12 Severability

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

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

Section 4. City Council Meeting Dates Introduction: September 23, 2019

Adoption: October 14, 2019 Section

Effective Date: October 24, 2019

Motion carried by a 7-1 vote with Councilmember Culotta casting the sole negative vote.

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

Councilmember Peel asked that for the record, she feels it is very important to mention that the City is not making any profit and the \$30 fee only covers the costs of the program.

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

Councilmember Wilson moved to adopt Resolution 2019-15, adding the \$30 business license fee, seconded by Councilmember Marabello:

Resolution 2019-15  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE

Now, Therefore, be it Resolved by the City of Milford:

PLANNING & DEVELOPMENT FEES		
Description		Fee
Major Subdivision	Preliminary or Final, Residential	\$1,000.00 plus \$10.00 per unit
	Preliminary or Final, Other than Residential	\$1,000.00 plus \$100.00 per lot
Minor Subdivision or	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Lot Line Adjustment	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Site Plan	Preliminary, Final or Amendment	\$700.00
Conditional Use or Amendment to a Conditional Use		\$700.00
Zoning Map Amendment/Comprehensive Plan Amendment		\$1,000.00 plus \$100.00 per acre
Zoning Code Amendment Request		\$700.00
Annexation	Residential, less than 1 acre	\$700.00

	Residential, 1 to 5 acres	\$2,500.00
	Residential, 5+ acres	\$2,500.00 plus \$100.00 per acre
	Other than Residential	\$2,500.00 plus \$500.00 per acre
Variance(s)	1-3 variances	\$300.00
	4-6 variances	\$400.00
	7+ variances	\$500.00
Board of Adjustment Hearing (no variance)		\$300.00
Subdivision Agreement		\$2,500.00
Zoning Verification Letter		\$20.00
Certificate of Use		\$75.00
Legal Interpretation of Subdivision or Zoning Code		\$300.00
Street or Alley Closing		\$300.00
Application Resubmission or Rescheduling Fee		\$200.00
Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)		Fees charged the City of Milford, plus 10%; Billed as encumbered.
Transfer of Development Rights (TDR) Credit		\$3,000 per dwelling unit

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

<b>CODE ENFORCEMENT AND LICENSING FEES</b>		
Description		Fee
Licensing	Contractors	\$100.00 annually, prorated semi-annually
	Residential Rental Operating	\$50.00 per unit annually
	Peddler, Solicitor, and Transient Merchant	\$50.00 annually, prorated semi-annually

	Transfer	\$50.00
	Business	\$30.00 annually
Inspection	Re-Inspection / Follow Up Inspection	\$50.00

Resolution 2019-15 replaces Resolution 2019-05 in its entirety.

Adopted: October 14, 2019

Effective: October 24, 2019

Motion carried by a 6-2 vote with Councilmember Morrow and Brooks casting the dissenting votes.

*Authorization/Utility Box Painting Project*

City Manager Norenberg required a brief history of the program, noting that the utility box outside of new accounting firm on Walnut Street and Southwest Front Street was painted as part of the pilot program. The Community and Economic Development Committee reviewed it twice and are recommending the City proceed with the project.

He then introduced the new Executive Director Trish Gerken and Design Committee Chair Joey Phillips were also in attendance.

Mr. Phillips then spoke to Council said it was started nine months ago and are proposing that two electric boxes per year are painted by local artists, approved by the committee, and paid \$1,000 for the project. There have been several changes made based on meetings with various groups and departments. They are hoping this will proceed to help beautify Milford.

Councilmember Peel moved to authorize proceeding with the Utility Box Painting agreement, as recommended by the Community and Economic Development Committee, seconded by Councilmember James. Motion carried.

Councilmember Brooks recommended one be painted with the Eagles on one side and the Ravens on the other.

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

Public Works Director Whitfield stated that On November 7, 2016, the Public Works Committee recommended awarding a contract to Davis, Bowen and Friedel, Incorporated for the Shawnee Acre Pump Station Replacement. The cost of the professional services contract is \$188,350. The project will be funded through a USDA Grant/Loan. Council awarded a contract to Davis, Bowen and Friedel, Incorporated on April 9, 2017.

During the bidding process, the City Engineer requested several changes to the design which resulted in the issuance of an addendum. The additional work necessitated by the requested change was additional work not included in the contract. Davis, Bowen and Friedel, Incorporated is requesting an amendment to their contract to increase their design phase fee by \$6,750. The additional funding requested is covered by the USDA Loan/Grant.

Councilmember Brooks moved to authorize payment of \$6,750 to Davis, Bowen and Friedel, Inc for the amended contract for the additional design phase work for the Shawnee Acre Pump Station Replacement Project with funding from the USDA Loan/Grant, seconded by Councilmember Wilson. Motion carried.

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

Public Works Director Whitfield then reported that in preparation for DelDOT's planned paving of Southeast Second Street from Rehoboth Boulevard to South Walnut Street, staff has utilized the engineering services of KCI Technologies to prepare plans and specifications for the replacement of lead gooseneck water service lines, a section of sanitary sewer line due to uneven slopes, and of deteriorated curbing and sidewalk where it abuts the curbing.

This project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget.

On October 9, 2019, bids for the project were opened in the City Hall Council Chambers. One bid was received by Teal Construction, Incorporated of Dover in the amount of \$1,114,400.00. The engineer's estimate for the project was \$1,427,070.00. This project includes a significant number of contingency items which will only be performed at the direction of the City Inspector. It is likely that the full bid amount will not be required to complete the project, but it is recommend authorizing the full amount at this time.

Councilmember James moved to award Contract #2019-WA-002 for the Southeast Second Street Utility, Curb, and Sidewalk Improvement Project to Teal Construction in the amount of \$1,114,400.00, with \$150,000.00 to be paid from general fund reserves for the curb work and abutting sidewalks, \$814,400.00 to be paid from water reserves for water lines, lead goosenecks, sidewalks with meter pits and \$150,000 from sewer reserves for the sewer main replacement, seconded by Councilmember Peel. Motion carried.

It was confirmed the City would only cover the costs of the sidewalks that abut the curbing, where sidewalks will need to be replaced in order to replace the curb and only those portions where a sewer meter pit is installed.

The goal is to have the project completed by the end of March.

#### *Approval/Sidewalk Project/Low Income Assistance & Standards*

Councilman James reported this was discussed in the Finance and Public Works Committee meeting earlier this evening.

It was determined that the options presented in the last letter to property owners did not include Section 197-5(D) that state 'property owners who meet the low-income criteria may apply for financial assistance provided City funding is available for the cost of sidewalk repair and replacement'. The matter was then referred to the Committee to address a way to formulate low-income criteria, which was absent.

Prior, Public Works staff did provide the following options:

- \* Replacing all sidewalks affected by water meter pits, sewer cleanouts, utility poles, street signs, hydrants, and street trees/street tree roots
- \* Waving all inspection costs;
- \* Provide a 15% discount if property owner chose the City's contractor to replace sidewalk blocks and pay invoice in full at time of billing.
- \* Provide a 60-month payback for sidewalk replacement with no interest.

Possible criteria if consideration is to be given to low-income assistance:

- \* Only properties with 6 or more sidewalk blocks to be replaced will be considered
- \* Properties must be owner-occupied.
- \* Copy of the owners' most recent Federal Income Tax Return must be submitted showing the address of property, number of dependents, and adjusted gross income.
- \* Property owners showing they meet the definition of low-income or very low-income (low income at 80% of the median income for the area, and Very Low Income at 50% of the median income for the area.)
- \* If property owner has between 6 & 10 blocks to be replaced - 15% discount would be given on blocks over first 5;
- \* If property owner has between 11 & 15 to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over 10;
- \* If property owner has between 16 & 20 blocks to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15;
- \* If property owner has 21 or more blocks to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15 and 80% discount on blocks over 20.

The committee agreed presented another option that would simplify the assistance to low and very low income and voted to make the following recommendation:

- \* The City of Milford fund 75% of the cost of sidewalk repair and maintenance for property owners meeting the Very Low-Income criteria (50% of the area median income); *and*
- \* The City of Milford fund 50% of the cost of sidewalk repair and maintenance for property owners meeting the Low-Income criteria (80% of the area median income) *and*
- \*The City of Milford fund 15% of the cost of sidewalk repair and maintenance for property owners that make prompt payment and do not meet the Very Low- or Low-Income criteria.

When asked the source of income, Councilman James referenced the recommendation from City staff that it be taken from the real estate transfer tax.

City Manager Norenberg confirmed that due to the unknowns, he will come back at a later date with an appropriation once they are able to acquire a more solid number.

Councilman James also noted that Solicitor Rutt advised the code will need to be updated with the additional language.

Councilman Culotta said he brought up the language for people with a financial burden and the options have been simplified as a result.

Councilman James also added that he received guidance from a representative of the State of Delaware on how other municipalities outside the State of Delaware handle their sidewalk issues which range from a 50/50, 70/30 to a 60/40 sharing.

He emphasized that the low-income assistance is being addressed that is in the code and not a new item.

Councilmember Peel moved to accept the recommendation of the Finance and Public Works Committee, as explained by Councilman James, seconded by Councilmember Wilson. Motion carried.

#### NEW BUSINESS

##### *Resolution 2019-16/Halloween Trick or Treat*

City Manager Norenberg read the following resolution into the record:

##### *RESOLUTION 2019-16 Halloween Trick-or-Treat*

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

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

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

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

*AND, BE IT FURTHER RESOLVED THAT:*

*\*Costumed celebrants will be permitted to engage in Trick-or-Treat.*

*\*All celebrants are to refrain from committing acts of vandalism or destruction.*

*\*Motorists are asked to be ever watchful of our youngsters making these annual rounds.*

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

Councilmember Peel moved to adopt Resolution 2019-16, seconded by Councilmember Wilson. Motion carried.

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

Mayor Campbell introduced the following ordinance, scheduled for a public hearing on tomorrow's Planning Commission Public Hearing and will return for a final determination by City Council on October 28, 2019:

Ordinance 2019-36

Change of Zone/Lands belonging to BSG III, LLC Tax Map & Parcel(s) 1-30-3.11-055.00, -056.00, -057.00  
1.41+/- Acres located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE Current Zoning: OC-1  
(Office Complex)/Proposed Zoning: C-3 (Highway Commercial)

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.41 +/- acres of real property from OC1 to C3 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE. Tax Map and Parcel(s): 1-30-3.11-055.00, -056.00, -057.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application and hold a Public Hearing on Tuesday, October 15, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on Monday, October 28, 2019 to allow for additional public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described. NOW,

THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 1-30-3.11-055.00, -056.00, -057.00, owned by BSG III, LLC located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE, is hereby zoned C3.

Dates:

Planning Commission Public Hearing: October 15, 2019

City Council Introduction: October 14, 2019

City Council Public Hearing: October 28, 2019

Effective Date is Ten Days following the Adoption Date.

*Introduction/Ordinance 2019-37 Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated*

Mayor Campbell introduced the following ordinance, also scheduled to be heard by the Planning Commission tomorrow evening and a final determination made by Council on October 28, 2019:

ORDINANCE 2019-37

Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated  
1162 Holly Hill Road, Milford, DE 19963  
Tax Map MD-00-182.00-01-14.00  
49.25 +/- Acres  
Current Zone IL/Proposed Zone I2

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 49.25 +/- acres of newly annexed lands from IL to I2 at 1162 Holly Hill Road, Milford, DE 19963.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, October 15, 2019, the Planning Commission will hold the noticed public hearing during which interested persons have an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners will be made; and

WHEREAS, City Council will consider evidence presented, public comments and the Planning Commission's recommendation at their hearing on Monday, October 28, 2019, and will deem whether it is in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 49.25 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as I-2 (General Industrial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 4 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Kent County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Planning Commission Public Hearing: October 15, 2019

City Council Introduction: October 14, 2019

City Council Public Hearing: October 28, 2019

Effective Date is Ten Days following the Adoption Date.

*Additional Funding Appropriation/Demolition Project/112 Southeast Front Street*

Planning Director Pierce reported that in April 2018, City Council appropriated \$23,000 from General Fund Reserves to demolish the condemned residential structure located at 112 Southeast Front Street. The original quote for the contractor included a quantity item for fill dirt, which amount was unknown at the time, needed to fill the basement/foundation area. The cost to fill the basement and regrade the site was \$5,159.

In addition, during the demolition of the structure a neighboring fence needed to be removed in order to allow equipment to access the rear of the structure, which was removed and replaced by the contractor at a cost of \$900.

The Planning Department is requesting an additional appropriation of \$6,059 to cover the additional expenses related to fill dirt, restoration and replacement of the neighboring fence. The expenses associated with the demolition will be placed, in the form of a lien, on the property's real estate tax bill.

Councilman Boyle moved to authorize an additional \$6,059 to cover the additional expenses related to the demolition project at 112 Southeast Front Street, as described, seconded by Councilmember Culotta. Motion carried.

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

City Manager Norenberg shared that during a recent heat wave, the HVAC unit that serves the IT area in the basement failed. The City's IT Manager was notified when he received an alert the temperature was rising dangerously high in the server room.

Because this was a needed and unexpected expense, a request to cover the costs is required.

Councilmember Wilson moved to authorize \$6,535 be funded from general fund reserves, seconded by Councilmember James. Motion carried.

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

Public Works Director Whitfield recalled that one of the issues he discussed during the 2020 Budget hearings, was the need for a mobile, heavy-duty lifts for large trucks and equipment.

At that time, he did not want to add the cost of the lifts to the Garage budget, since the garage budget is funded by the hourly rate of the mechanic, and the police would be paying a substantial amount of the lift cost, though they do not need the heavy-duty lift.

As a result, staff considered two different funding scenarios.

One was to divide the cost among the divisions with heavy trucks and equipment on a per vehicle basis, which would include sanitation in Street Department. However, there was concern that the Solid Waste budget does not have reserved funds available, nor was the transfer of funds from the general fund reserves prudent.

The second alternative was to fund 25% of the lifts from sewer reserves, 25% from water reserves and 50% from electric reserves.

The purchase of the lifts will be made through the HGAC Buy Contract Number FL03-19 Cooperative Purchasing through the Delaware State Contract.

Councilmember Boyle moved authorize a purchase order to ARI Phoenix, Incorporated of Lebanon, for the AR1-HETRA Advanced Mobile Lift System in the amount of \$60,461.00, in accordance with the HGAC Buy Contract Number FL03-19, with funding of \$15,115.25 from Water Reserves, \$15, 115.25 from Sewer Reserves and \$30,230 .50 from Electric Reserves, seconded by Councilmember Culotta. Motion carried.

*Bid Award/Forklift Purchase/Operations Division*

Director Whitfield asked that City Council consider a recommendation to replace the existing 1993 TCM Forklift FD50Z7 used in the warehouse with a 2020 Yale Model GP120VX Lift Truck.

The existing unit has approximately 1,510 engine hours, is 28 years old, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2020 capital improvement plan and the electric budget. The unit is used for off-loading materials delivered to the City, as well as moving materials within the warehouse and the Public Works facility. The unit also is used for loading materials onto trucks/trailers.

The purchase of this truck will be made through the Delaware State Contract. The Electric Division budgeted \$80,000.00 for the purchase of this unit, and the Delaware State Contract final cost is \$73,826.60.

Councilmember Peel moved to authorize a purchase order to Eastern Lift Truck Company for a 2020 Yale Model PG120VX Lift Truck in the Delaware State Contract #GSS19843-FORKLIFT, amount of \$73,826.60, with funding coming from electric capital reserves, seconded by Councilmember James. Motion carried.

Mr. Whitfield commented the old forklift will be sold on the municipal govdeals.com website.

*Update/Resident Survey & Strategic Plan*

Local Government Fellow Christine Hoh advised that she is going to present on the National Community ns Survey results and sprinkle in some of the strategic plan updates, along with some of its background.

She presented the following information.

Process started in 2016 when Milford partnered with the University of Delaware's Institute for Public Administration. The first step was to send out the national survey in 2017 and those results were used to facilitate and lead the Community Conversations held between October 2017 to December 2017. That information was then used to create the 2018 to 2023 Strategic Plan adopted by Council in April 2018.

This year, 1,700 National Community Survey were sent out and 457 were returned, which is a higher return rate than was obtained in 2017, with 40% from Ward 1, 24% from Ward 2, 19% from Ward 3 and 18% from Ward 4.

The survey is broken into three pillars—the community characteristics, the governance portion and participation. Within each pillar, questions are asked on the eight facets:

- Safety
- Mobility
- Natural Environment
- Built Environment
- Economy
- Recreation and Wellness
- Education and Enrichment
- Community Engagement.

The benchmark is the number compiled from the 6,000 surveys taken throughout the country and are then averaged. A response within 10 percentage points of the average, is considered similar to the benchmark.

It will be compared to the 2017 survey results and a significant change if a 7 percent increase or decrease.

A positive rating is a percentage of those who indicated “excellent” or “good” for a question.

Areas reviewed:

Quality of Life in Milford

76% of respondents rated “excellent” or “good”, similar to 2017 results.

The top priorities in the upcoming two years were identified as economy and safety, the same as the 2017 results.

Facet: Economy

Overall Economic Health of Milford rated 51% positive, similar to 2017

Cost of Living rated 54% positive, which is a significant increase from 2017 when it was rated 45% positive.

Questions:

Do you work inside the boundaries of Milford? 28% of respondents work within Milford, which slightly decreased since 2017

Milford as a Place to Work was rated 55% positive rating, which is a significant increase from 2017 when it was 46%.

How much do you support or oppose additional financial resources for economic development (e.g. support for retaining/expanding businesses, attracting new businesses, workforce development, etc.), 94% strongly support or somewhat supported the additional financial resources.

#### Strategic Plan Update on Economy Snapshot

One goal is to Enable growth of existing businesses. The City Manager has regular meetings between City, Chamber of Commerce, Downtown Milford, Inc., as well as State and County partners.

The City Manager and Planning Director do business retention/expansion visits to identify any problems they can assist with.

Another goal is to foster the establishment of new businesses. The City has developed a How to Start a Business in Milford guide available to the public.

The goal to meet the commercial needs of residents, businesses, and visitors, there have been seven large Downtown Development District reservations within City limits with \$16.4 million coming from private funds and over \$2 million in State grant funds.

#### Facet: Safety

Overall feeling of safety rated 67% positive, similar to the 2017 ranking.

The feeling of safety in respondents' neighborhood during the day was 93% who felt safe, similar to 2017 ranking.

#### Questions:

How much do you support or oppose additional financial resources for safety (ensuring the police force is well-trained and has the necessary equipment, staff, resources and facilities)? 74% support additional financial resources strongly and 25% somewhat support it.

#### Facet: Safety Continued

Police services, 82% had a positive rating;  
Fire services, 94% had a positive rating;  
Ambulance or emergency medical services, 93% positive rating;  
Crime prevention was rated at 65% positive rating;  
All similar to the 2017 rankings.

#### Strategic Plan Update on Safety

One goal is to efficiently utilize all police resources (i.e., staff time, personnel, training, equipment, technology, etc.) The police department is now using data collection for crime mapping to aid with staff scheduling and patrol areas, which is available on the website.

Another goal is to establish and maintain strong and beneficial police-community relations. Foot patrol has increased in downtown areas and apartment complexes, the site of higher crime rates. A Junior Police Academy is being planned. No additional Citizen Academy is being considered because residents who were interested, have already participated.

City Council approved five additional officers who have all graduated and remain in the field training program.

#### Pillar: Community Characteristics

##### Milford as a ...

- \*place to live was rated 83% positive, similar to 2017;
- \*place to raise children was rated 72% positive, similar to 2017;
- \*place to retire was rated 75% positive, a significant increase from 2017, when it was rated 65% positive.

#### Strategic Update on Community-

Goal: Promote a healthy community with recreational activities provided by the City and community partners

Progress:

- \*Parks and Recreation Advisory Board created;
- \*Dog Park survey completed and results are being processed;
- \*Creation of Parks and Recreation Facebook site to provide updates and advertising on upcoming events.

Goal: Bring more tourism to Milford

- \*Parks and Recreation Director has joined the Kent County Tourism Board
- \*Since his involvement, two dozen travel writers have visited and are advertising tourism opportunities
- \*Kayak rentals available next to Arenas;
- \*Exploring recreation opportunities on river; growing special events/

Pillar: Governance

- \*Overall Quality of City Services-75% positive rating, similar to 2017;
- \*The Overall Direction Milford is Taking-68% positive rating, a significant increase from 61% in 2017;
- \*Confidence in City Government-60% positive rating, similar to 2017;
- \*Acting in the Best Interest of the Community-61% positive rating, significant increase from 54% in 2017;
- \*Customer Service by Milford Employees-75% positive rating, similar to 2017.

Pillar: Participation

- \*Overall Sense of Community-62% positive rating, a significant increase from 54% in 2017;
- \*Likelihood of Recommending Living in Milford-89% likely to recommend, similar to 2017;
- \*Likelihood of Remaining in Milford-85% likely to remain, similar to 2017.

Facet: Mobility

- \*Overall Ease of Travel-84% positive rating, similar to 2017;
- \*Ease of Walking-65% positive rating, which is a significant decrease from 74% in 2017;
- \*Traffic Flow-65% positive rating, increased enough to be higher than benchmark.
- \*Street Repair-42% positive rating, decreased from 50% in 2017 but similar to benchmark;
- \*Street Lighting-66% positive rating, significant decrease from 76% in 2017.

Strategic Plan Update on Mobility

Goal: Evaluate current condition and put plans in place to maintain or replace City utility infrastructure

- \*Public Works has developed a five-year capital plan for short-range and long-range plans in regard to inventorying, repairing and replacing infrastructure;
- \*Council approved the initial agreement to begin the creation of a Transportation Improvement District, for areas subject to the updated Southeast Master Plan; partnering with DeIDOT.
- \*Transportation Alternatives Program – Northeast Front Street is in design phase, focused on improving streets, stormwater management and the creation of multi-use pedestrian and bike paths.

Goal: Preserve and enhance the property values and quality of our neighborhoods

- \*\$50,000 in grant funding from DeIDOT to update the City's bicycle and pedestrian master plan.
- \*Parks and Recreation purchased a sidewalk sweeper to help with debris and cleanup prior to community events;
- \*Sidewalk Repair Program in its first phase.

Other Notable Changes

- \*Overall Quality of New Development-57% positive rating, a significant increase from 49% in 2017;
- \*Work in Milford-28% are currently working in Milford, a slight decrease from 2017, which puts the City below the benchmark;
- \*K-12 Education-73% positive rating, which is an increase from 58% in 2017;
- \*Land Use, Planning, and Zoning Services-50% positive rating, which is an increase from 42% in 2017;
- \*48% participants did not observe a code violation, which is a slight increase from 43% in 2017 and on par with the benchmark.

This year, Milford provided an Online Survey that anyone could participate in, though it was a smaller sample, but not a random sample in the demographics.

\*84 people completed online survey;

Similar to the mailed survey:

\*Quality of Services Provided by the City of Milford-70% positive (compared to mailed survey 75% positive)

\*Quality of City-Sponsored Events-67% positive (compared to mailed survey 70% positive)

\*Overall Economic Health of Milford-89% positive (compared to mailed survey 90% positive)

Differed from mailed survey:

\*Overall Customer Service by Milford Employees (police, receptionists, planners, etc.)-86% positive rating (compared to 75% positive-mailed survey)

\*Emergency Preparedness (services that prepare the community for natural disasters or other emergency situations)-77% positive rating (compared to 67% positive-mailed survey)

\*\*The Job the Milford Government Does at Welcoming Resident Involvement-28% positive rating (compared to 54% positive-mailed survey)

\*\*Milford as a Place to Raise Children-79% positive rating (compared to 73% positive-mailed survey).

Mr. Norenberg reported the detailed surveyed reports are available on the City website and on the same page as the 2017 reports, for comparison purposes.

He also noted that because this is a national survey, in many parts of the country, the City is responsible for school districts, fire departments, libraries, etc. Those results will be shared with those entities as well.

Mayor Campbell pointed out there seemed to be a lot of items that stayed similar in comparison to 2017, though there was an 11% higher response rate, not including the 84 individuals who participated in the on-line survey.

The survey company was provided with City maps to ensure the four wards were evenly distributed, in addition to areas of the City.

A summary report is also included in the packet, more in terms of the strategic plan. Any questions can be directed to Mr. Norenberg or Ms. Hoh.

## EXECUTIVE SESSION

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

### Legal-

*Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation*

### Property Sale/Lease-

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

### Personnel-

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:01 p.m. for the purposes permitted by the Delaware Freedom of Information Act.

*Return to Open Session*

Council returned to Open Session at 10:13 p.m.

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

ADJOURNMENT

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

The Council Meeting adjourned at 10:14 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder