

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 28, 2019

A Special Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 28, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel and Katrina Wilson

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 5:37 p.m.

#### INVOCATION AND PLEDGE

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

#### EXECUTIVE SESSION

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

*Pursuant to 29 Del. C. §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed.*

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 5:38 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

#### *Return to Open Session*

Council returned to Open Session at 6:36 p.m.

#### *Personnel Matter*

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

#### ADJOURNMENT

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

The Council Meeting adjourned at 6:37 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

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COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel and Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

*Proclamation 2019-15/Extra Mile Day*

Mayor Campbell referenced the following proclamation in which November 1<sup>st</sup> will be designated Extra Mile Day in the City:

*EXTRA MILE DAY*

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

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

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

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2019, to be Extra Mile Day and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

*Introduction/City Employees*

Council welcomed the following new employees:

- Amanda Lake – Customer Service Department – September 2019
- Carla Wdowsk – Finance Department – August 2019
- Lisa Levis – Public Works – October 2019
- Videll Slade – Solid Waste Division – October 2019

**PUBLIC HEARINGS**

*Community Development Block Grant Program  
Kent & Sussex Counties  
Adoption/Resolutions 2019-17, 18, 19, 20, 21*

The City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, held a public hearing for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program.

Brad Whaley from the Sussex County Community Development and Housing Office and Frank Paquette from Kent County Housing and Community Development were in attendance.

Mr. Whaley reported that their offices apply for and administer the Community Development Block Grant (CDBG) Fund Programs. The Delaware State Housing Authority applies for funding from HUD (Department of Housing and Urban Development), which is primarily used to help low to moderate income residents with housing issues. Historically, a lot of housing rehabilitation, small infrastructure projects, sewer and water connections, demolitions and similar type work.

One of the requirements is to hold a public hearing to allow the general public, or officials of the City to comment or have input. Applications must be submitted by February 27, 2020 for the upcoming fiscal year.

Income is considered at or below 80% of the area median income. The current guidelines, established by HUD this upcoming year, are as follows:

	<b>Kent County</b>			<b>Sussex County</b>		
	30% MEDIAN	LOW	MODERATE	30% MEDIAN	LOW	MODERATE
1 Person	14,050	23,450	37,450	15,200	25,250	40,400
2 Person	16,050	26,800	42,800	17,350	28,850	46,200
3 Person	18,050	30,150	48,150	19,500	32,450	51,950
4 Person	20,050	33,450	53,500	21,650	36,050	57,700
5 Person	21,700	36,150	57,800	23,400	38,950	62,350
6 Person	23,300	38,850	62,100	25,150	41,850	66,950
7 Person	24,900	41,500	66,350	26,850	44,750	71,550
8 Person	26,500	44,200	70,650	28,600	47,600	76,200

Mr. Whaley explained that the primary goal of the housing rehab is to preserve the existing housing stock. This is not geared toward housing remodeling, but more for the purpose of addressing code violations. Simple rehabs are a focus and include new roofs, furnaces, electrical systems, upgrading plumbing, electrical work, insulation issues, etc.

Over the past five years on the Sussex side, Milford has received \$210,000 in CDBG funding to aid 10 households. In the current year, the City of Milford received \$70,000. One project has been written up, though he expects another five to six more can be done. An inspector is sent to the home, who writes the specifications, does a cost estimate, then the work is bid to local contractors, which also helps the work force.

There is a requirement to have more than four applications on file and currently, there are fifteen residents on the Sussex side who have requested assistance. Applicants are referred through a number of means, including City Management and

Code and Building Officials, case workers, ministers, etc. They are then added to the list and at the time of the application, the income, home ownership, property taxes are current, etc. are verified.

Mr. Paquette then added that the Delaware State Housing Authority requires at least four-verified homeowners in a target area, which can be a town or a mobile home park. Those target areas get priority. If someone is not in a target area, they go under scattered sites which currently has around 100 people on that list. Only between 15 and 20 a year are done, so many homeowners could be on the waiting list for five years.

Presently, there are only two Milford homeowners on the waiting list in Kent County, so at least two more are needed in order for Milford to become a target area. They have requested \$72,000 to rehab those four homes.

In the past, Mr. Paquette reported that HUD required that a mortgage lien on the property after the work is completed. This is a zero percent interest and zero payments. There is no payback unless the home is transferred. However, it can be transferred to another low-income homeowner.

Councilmember Culotta thanked the representatives, adding he referred someone in the past couple years.

Mr. Paquette then explained the application, noting that one of the staff members handles the application and actually goes to the home to ensure it is completed and that all requirements are met.

City Manager Norenberg shared that some referrals come from our Code and Inspection Department, when they identify problems that may be eligible for CDBG assistance.

Mr. Whaley then talked about the three sets of guidelines that must be met. However, their staff works with the applicant to ensure everything is correctly addressed.

With no further comments from City Council, Mayor Campbell opened the floor to public comment.

Larry Price of Seabury Avenue stated there must be a lot more residents that are in need of these services than only two families on the Kent County side of Milford. He wonders if there is enough communication being provided to the community and he is unsure who on Council is responsible for addressing the issue.

He suggests that Milford be proactive instead of reactive to this process. He hopes that there is a growing number of residents on that list to meet the target area requirements.

No one else responded and the public hearing was closed.

Councilmember James moved to adopt Resolution 2019-17, seconded by Councilmember Culotta:

RESOLUTION 2019-17  
Sussex County

ENDORING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$\_\_\_\_\_, total CDBG grant request is \$\_\_\_\_\_. Matching funds in the amount of \$\_\_\_\_\_ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 28<sup>th</sup> DAY OF OCTOBER 2019.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Daniel Marabello	Owen Brooks, Jr.	
Arthur Campbell	Douglas Morrow	s/Arthur J. Campbell
Lisa Ingram Peel*	Jason James Sr.	Mayor
F Todd Culotta	Katrina Wilson*	

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

s/Robin A. Griffith  
Clerk of the County Council

\*Absent

Motion carried.

Councilmember James moved to adopt Resolution 2019-18, seconded by Councilmember Brooks:

RESOLUTION 2019-18  
Citizen Participation  
Certificate of Assurance  
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;

- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on October 28, 2019 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution, following a Public Hearing, endorsed this application.

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-19, seconded by Councilmember Boyle:

RESOLUTION 2019-19  
Requirement for Fair Housing  
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 28, 2019.

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-20, seconded by Councilmember Boyle:

RESOLUTION 2019-20  
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Arthur J. Campbell, to submit the Fiscal Year 2020 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2020 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on October 28, 2019.

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-21, seconded by Councilmember Culotta:

RESOLUTION 2019-21  
Requirement for Fair Housing  
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 28, 2019

Mayor Arthur J. Campbell

Motion carried.

*Adoption/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)*

Solicitor Rutt commented this is an application for a change of zone. He stated that many in attendance wish to address the potential use of the property, but tonight the only question before Council is the change of zone from OC-1 to a C-3. If the zoning is approved, the applicant will need to return for another hearing and present the plan for the site.

To keep the record clean, Mr. Rutt asked the applicant address why the property should be changed to C-3, afterwards the public can make comments on the change to commercial.

Councilman Culotta noted that the application states the present use is vacant, but proposed use is convenience store with gas pumps. He asked if that information should be included; Mr. Rutt said it probably should not have been, but the concentration tonight is on the zoning only. The convenience store and gas pumps are a conditional use under the C-3 zone, which is a separate application and another public hearing.

Planning Director Pierce then reported the public notice for Ordinance 2019-36 was properly advertised in the Milford Beacon on September 25, 2019 and public notices mailed to property owners with properties within 200 feet of the subject parcel.

He stated that the packet includes the staff report for the change of zone application which indicates it is three parcels, located at the northeast corner of Seabury Avenue and US Route 113. It involves approximately 1.41 acres owned by BSG III, LLC. The applicant is William Owen.

The applicant proposes to change the zoning designation of the three parcels from OC-1 Office Complex to C-3 Highway Commercial, with plans to construct a convenience store with gas pumps. The proposed use would require conditional

use approval from City Council, which would occur on a different date during a separate public hearing if the property is approved for the rezoning this evening. Development of the site would also be subject to the City's site plan review process, which would include two meetings with the Planning Commission.

He continued by noting the Change of Zone request is consistent with the 2018 Comprehensive Plan Future Land Use exhibits. The future land use designation for the property is commercial, for which C-3 is a suitable zoning designation. The comprehensive plan also states that Highway Commercial zones should be located along major transportation routes, that include State Route 1, US Route 113, State Route 14 and Business Route 1.

US Route 113 is a State-maintained roadway and a principal arterial road according to DelDOT's Functional Classification Map. Seabury Avenue is also State-maintained and considered a major collector based on the map.

Site access and entrance improvements would be reviewed and approved by DelDOT as part of the site plan approval process.

The property to the north is zoned C-3 and contains a one-story medical office building. Properties to the east are zoned OC-1 and contain a single-family dwelling that was recently converted into a professional office, in addition to a medical office complex which is further to the east. The properties on the southside of Seabury Avenue are zoned R-1 Single-family Residential District and contain single-family dwellings.

Mr. Pierce referred to various items in the packet for additional review including the uses permitted in the C-3 zone.

The Planning Commission reviewed the application at their October 15<sup>th</sup> meeting and recommended approval of the change of zone by a vote of 4 to 0. Several residents were in attendance to speak in opposition, citing traffic, speeding, lighting and noise concerns.

Councilman James is aware the City's Comprehensive Plan designates the entire area as commercial as a proper use. He confirmed there is commercial there, though other uses.

Director Pierce stated that is correct and OC-1 is a suitable category within the commercial land use classification.

Councilman James stated that around this property, is almost all C-3 even though this property is currently zoned OC-1. He asked if there was an intentional purpose for this property to remain OC-1, when surrounding properties were zoned C-3; Mr. Pierce said he does not have an answer and would not want to speculate.

Mayor Campbell asked if everything around this parcel is C-3; Mr. Pierce reiterated this property is OC-1 which is office complex and the properties to the north are C-3, across the highway is C-3, to the east is OC-1 and to the south is R-1.

Mr. Pierce provided a brief summary of the uses permitted in the C-3 zone:

- Those uses permitted in the C-2 District.
- Warehouses.
- Large retail outlets.
- Indoor storage accessory building.
- Fast-food restaurants and drive-in restaurants.
- Supermarkets.
- Truck and trailer rentals.
- Roadside produce market.
- Memorial stone shop.
- Outdoor commercial recreational facilities, not motorized vehicles.
- Swimming club.
- Indoor facility for amusement or assembly.
- Bus station.

Conditional uses subject to special requirements will permit, the following, based on City Council approval:

- Motels or hotels with a minimum lot size of three acres.
- Commercial greenhouse.
- Wholesale establishment.
- Newspaper publishing or printing establishment.
- Contractors', craftsmen's or general service shops, including welding and similar shops.
- Laboratory, testing and research.
- Car repair shops.
- Used car lots.
- Telephone central office or television cable central office.
- Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
  - All facilities shall be located and all services shall be conducted on the lot.
  - All repair work shall be conducted within an entirely enclosed building.
  - Convenience stores with gasoline service.
  - Shopping centers.

Mr. Pierce explained the only other property in town zoned OC-1 is the Independence Commons Park and some similar properties on Airport Road. It is mainly for offices of large nature banking institutions, tech centers, research and data centers, emergency service centers, corporate offices, television/radio studios, professional schools, health centers and clinics.

With an approved conditional use, charitable organizations, daycares, civic centers, indoor recreation, private clubs, medical/dental labs.

Manufacturing or residences are not permitted, unless they exist at the time the ordinance is adopted.

C-1 is neighborhood commercial and for smaller retail uses.

Councilman James said it seems like what is allowed in OC-1 compared to C-3, the one thing that stands out is C-3 categories provide a large-scale commercial use that may require large amounts of parking space or have a high traffic impact. Whereas, OC-1 could require a larger scale parking area.

Mr. Pierce said that would apply in the case of a shopping center, but there are other smaller retail uses that would not require that. When he reviewed this, he looked at the location, which is on Route 113, a principal arterial road, which is designed with high levels of traffic going up and down. It has the potential to be a commercial corridor through Milford.

Councilman James said he would not be as concerned with Route 113 itself, but more so if a high traffic, impact commercial use was to go on that corner. He understands it is a conditional use, but he does not think City Council has the ability to comment on the entrances, because Seabury Avenue is also a state road. If there was an entrance off Seabury Avenue and high traffic impact, that would change the nature of that road or at least the traffic volume that will potentially use that road if it were zoned C-3.

Councilman Marabello confirmed that south of the proposed site is R-1. He asked if this were to change from OC-1 to C-3, would that adversely impact the value of the R-1 homes; Mr. Pierce said he is unable to answer that question.

Councilmember Culotta said that would not happen until the use is determined. In other words, it depends on what is put there. But that is not what is being discussed tonight.

Solicitor Rutt said that is something the applicant and the people who speak to it would have to show.

Mike Riemann, Civil Engineer with Becker Morgan Group, along with Bill Owen and Jason Donald of PennTex Ventures LLC, the developer of the property.

Mr. Riemann commended Mr. Pierce's presentation and then proceeded with the following information:

The site on the map in the City's Comprehensive Plan, approved in 2018, shows the areas as mainly commercial. The commercial corridor includes the R-1 properties to the south, because highway commercial zoning should be located along major State transportation routes which includes Route 113 as is stated in the comp plan.

US Route 113 is a principal arterial designed for lots of traffic and traditionally is where commercial corridors exist.

Seabury Avenue is also a major collector, or a higher classification of road, because higher traffic is anticipated on the DelDOT maintained roadway. It is appropriate this proposed site is at the intersection of Route 113 and Seabury, or where a principal arterial and major collector connect, and is where commercial zoning should be.

The parcel is 1.43 acres and is currently zoned OC-1. Several items were already listed that are eligible in the OC-1 district. In addition, medical clinics, health centers and 24-hour emergency centers are all permitted. In addition, 70 feet is permitted or a seven-story emergency facility would be presently be allowed at this site.

This is not the intent of the developer, which is to build a convenience store with gas. A convenience with gas is about a 75% pass-by traffic which means they are picking up traffic that is already on the road. Basically, people are stopping on their way to work, on their way to do errands, etc. They do not make a specific trip to go to that location and come back. Essentially, 75% of the traffic that enters the site is already driving by and just happen to stop there on the way by.

That is a good thing because that does not increase the total amount of traffic. As opposed to a seven-story medical facility where people are going specifically there.

Other things permitted in OC-1 are daycare centers and banks with drive-thru services, both of which generate a lot of traffic.

The site, with water, sewer and utilities, is at an intersection with a principal arterial and major collector. The City's Comprehensive Plan designates it to be commercial and is very consistent with the surrounding zoning with the area.

The applicant is asking for approval of the rezoning and not the specifics of the plan, though he is will to do that.

They have met with DelDOT to talk about access preliminarily, which would be limited to right in/right out on the highway and an access on the side street which would require improvements. A traffic study will be done and that cannot be done until the site plan process begins. The rezoning hearing is step number one, after which the conditional use hearing will be before the Planning Commission and City Council, after which the site plan will be presented to the Planning Commission.

Pedestrian improvements will need to be connected across Seabury Avenue, with crosswalks and ped crossings, which is very normal.

They have no problem with any of the requirements and they understand there is a lot of work needed before this come to fruition.

They are also happy to discuss the traffic, noise and light concerns expressed at the Planning Commission, during the conditional use/site plan hearings and are willing to work with the community, Planning Commission and City Council to implement that will help improve the plan as much as possible.

From a stormwater perspective, this property drains to an existing drainage system along Route 113, though they will address additional stormwater practices. Approval will be required from the Sussex Conservation District, Fire Marshal, DelDOT, City Engineers and Planner, etc.

It was reiterated the requested zoning is clearly consistent with the surrounding properties/zonings. The OC-1 does not fit the 1.4-acre parcel because that is more of a large office complex, and the only way that could be accomplished is with a tall building on the 1.4 acres. The C-3 zoning is more consistent with the City's Comprehensive Plan along the adjacent major corridors.

Councilman James that Route 113 corridor and understands that 113 and Seabury are major collectors, and though it is designated commercial, OC-1, C-3 are all allowed in that commercial corridor and it is not restricted to the C-3 zone. He wants it made clear that it is designated commercial in general and not just C-3.

Mr. Riemann pointed out the red he is referring to on the comp plan is C-3; Councilman Culotta agreed. Councilman James explained he is talking about the comp plan. Mr. Riemann referenced the statement in the comp plan that OC-1 is also consistent with commercial, but there is additional language that states regular highway commercial for the City should be located along Routes 113, 1 and 14. OC-1 is a regular highway commercial, so that is the argument he was making.

Councilman Culotta said he has received a lot of comments from residents in his ward. He always informs them of the public hearing where they can comment.

The floor was then opened to public comment.

When asked if anyone wished to speak on behalf of the applicant, no one responded.

Councilman Culotta asked that some ground rules be set for what is allowed by public comment.

Solicitor Rutt reiterated that the public comments need to refer to the change of zone from OC-1 to C-3 and anyone who wishes to speak in favor, speak first, followed by those in opposition.

Mr. Rutt then asked if anyone in favor of the application wished to speak. Again, no one responded.

The Solicitor then asked anyone in opposition, state their name and address, which are needed as part of a clear record. Councilman Culotta also pointed out the time limit. Mr. Rutt agreed there is a three-minute time limit and asked those in attendance to state clearly and succinctly their intent.

Larry Price of Seabury Avenue asked two questions. It was said that 75% of the traffic coming into the store would be off Route 113. Another 25% has to come or has to go somewhere else. Living on Seabury Avenue, he has a concern about where that 25% maybe increasing the current level of traffic.

The second question is regarding commercial traffic and whether the commercial traffic on Seabury Avenue will increase to some proportion.

George Ehrmann Jr. of 817 Seabury Avenue, stated that currently the comprehensive plan is a guide, not a mandate, number one. Number two, as far as the property is concerned, the speed limit on Seabury Avenue is 25 miles per hour, which was addressed by Council two months ago. The speed limit on Route 113 is 50 miles per hour.

As far as the traffic is concerned, he said they are already dealing with speeding problems. That entrance is currently used as a bus stop at the property line, directly across the street from Cherry Street.

With the Simpson Property development, Cherry Street has been mandated a corridor strictly for that. There is already concern, both about the amount of traffic from the commercial district, and now the Simpson Community. They are already dealing with traffic from OC-1, though they are comfortable with OC-1 and pretty much a standard thing and would prefer the lot remain OC-1.

It was noted the school bus stop has been at the location for the past seventeen years.

As a realtor, Mr. Ehrmann commented that a high-volume commercial use, such as a convenience store, decreases surrounding property values considerably.

Charles Adams of 319 Hall Place pointed out the intersection is already constructed at an odd angle and vehicles traveling south and entering Seabury, have the right of way to come across US Route 113 onto Seabury. People traveling south on Route 113 should wait for them. That is not a good situation, nor has it been in the past, and the reason they closed the road on the opposite side of the highway to eliminate a little bit of that problem.

Regardless, there is still a major problem at that intersection and major action would be needed for this type of use to happen at that intersection, and probably a light. DelDOT probably does not want to install a light there as close as Lakeview Avenue is to that traffic light.

In addition, he noted that if a vehicle is turning out of a right-out only headed north in the summer, when traffic is backed up to at least Seabury, they are going to turn around and come through Hall Place so they can get to the light on Lakeview. That will increase traffic on all streets in that neighborhood with vehicles trying to reroute and get back out on Route 113.

Mr. Adams also referenced the major City well site across the highway from this property. He believes there is some type or radius of protection for those wells and there should not be any kind of gas or diesel fuel allowed anywhere within 500 feet of those wells. He recommends a hydrologic study be done.

He added the average loss of gas at a gas station is forty gallons a year and that is going to end up in the stormwater management system that Delaware mandates infiltration into the ground before it goes out into the collection system that is along the highway. That forty gallons will enter that infiltration each year and head toward the City wells regardless of if there is a small leak in the tanks. Because of that, the proposed use should be excluded and not available through a conditional use in any district.

He also noted there is a 7/11 across the street and high-volume traffic, late night activity, music, crime, already impacts the residents and this area.

Lawrence Smith of 119 School Place said he may not be able to attend any future meetings. However, his concern is the congestion on Seabury Avenue has increased tenfold since he has lived there. His home is on School Place and his mother lives on Seabury Avenue, basically in the middle of Walnut Street and Route 113. The traffic through there is incredible. He sits on that porch all summer long with his mom and watches the traffic. He has witnessed speeds of 40, 50, 60, 70, 80 miles an hour on Seabury.

Mr. Smith said how does he qualify this; he is a former Milford Police Officer and he used to run radar and he is familiar with speeds. He sees it every day.

With this, the traffic will be increased on Seabury. Using only the 25% previously mentioned, that is 25% more traffic on Seabury Avenue coming in off Walnut Street to go to whatever is built there. Then they would turn around, and come back down Seabury Avenue.

Their other option, according to Mr. Smith, is to come up Lakeview. They are not going to the highway and turn left to go to the store. Instead, they will come down Hall Place and Kent Place, adding speeders to those small streets. He hopes Council will consider the speeding problems down the road.

Mr. Smith commends Milford Police for doing what they can for speed, but it is ridiculous and no where near how it used to be when he was a police officer. He commends on what they are trying to do, but more enforcement is needed, especially on Seabury Avenue. There are a lot of elderly people, and there will be more school children on that street with the development that is occurring. He asked that Council look at these things before this is approved.

Rachel Messick Lynch of 709 South DuPont Boulevard, five houses down from this proposed store. She has been there thirty year and has done many home improvements to their property. Over the years, she has called 911 at least a dozen times for major accidents with injuries. She has had a vehicle overturned in her yard, had an axle break and hit a tree in

her yard. Her neighbor has had an overturned UPS truck several years ago in his yard, because someone clipped the truck from behind and the entire truck turned over.

She added these examples are not even at this intersection yet and instead is approaching the intersection. Now there is the light at Redners and in the summertime, traffic is backed up beyond that light. To be able to turn into this proposed store, will require the road be widened to add a lane to slow down and merge, which will impact her personal property.

Ms. Lynch said there is already a lot of drugs and crime occurring at Royal Farms and now we are going to add these problems directly across the street where school children get on a school bus. Her son is now 30 years old, but when he was little, every morning, vehicles would just drive past the school bus without stopping. She would hate to see something happen to someone's child or grandchild.

Christine Simpson Reed of 607 South Walnut Street feels these properties and neighbors are being inundated with Simpson Crossing which is a major problem. She wants to know what the impact will be on the impact on the quality of life for the residents living near this rezoned property will be. If rezoned as presented, there can be a business open 24 hours/7 days a week. People will be coming in and turning around, driving through, crossing a two-lane road from people's homes, where they have lived for 30-40 years. Quiet medical offices and attorney office are fine. This makes no sense. There are so many sites up and down Route 113 where they could build a gas station with lots of easy access and no problem with people turning.

Ms. Reed stated she has never been able to turn. When coming south on Route 113 and want to turn on Seabury, because she lives on South Walnut, to get to her house, she cannot do it in the summer. Everyone in that area has to go to the signaled intersections in the summer because it is impossible to cross that intersection.

She asked what this will do and what is the impact going to be; it could be a gas station, convenience store, liquor store, a bar, a seven-story high emergency facility. It could be a daycare which she feels would have a lot less impact and she is familiar with daycares because she is a teacher.

She referenced the noise pollution, light pollution and the traffic. In addition to these pollutions, she just realized there will be chemical pollution from this 1.47 acre lot. She has been coming to Milford since the early 80s to visit friends and this parcel has always been vacant to her knowledge. She can be corrected if something was there at one time and does not understand why we are so desperate to sell a piece of property, this close to residents' homes where they have been living all their adult lives.

She asked why we are so desperate to change this zone for this one small, teeny, tiny piece of property when we have an entire area, from Seabury, all the way to Georgetown, to build a gas station; Ms. Reed wishes everyone would take that into consideration when voting on this application. It makes no sense to her.

There being no further persons that wished to comment, Mayor Campbell closed the floor to public comments.

Councilmember Boyle then stated that he is familiar with the City's 2018 Comprehensive Plan and was on the Planning Commission that wrote the plan. While the future land use designation for the property in question is shown as commercial, of which C-3 highway commercial, is a suitable category, it does not preclude the City from discerning which property, which level of commercial use is appropriate for this specific location.

But he does not feel the C-3 is advisable for this location for the following reasons:

First the bordering neighborhood is predominantly R-1 residential, consisting of single-family homes, with the exception of two properties zoned as OC-1 office complex. One is an empty medical building and the other is a house that was converted to a legal office, located immediately next to the subject parcel on Seabury Avenue.

Second, the wide range of permitted additional uses, associated with the C-3 zone property, will generate a heavy traffic flow through the neighborhood as has been brought to Council's attention. This is compounded by the fact that the

parcels' particular shape will require access directly from Seabury Avenue. That makes Seabury now a major thoroughfare and not just an arterial feeder.

Councilman Boyle continued stating that the intersection of Seabury and Route 113, as has been described by some of our citizens already, and he uses it a lot, presents a challenge to anyone attempting to cross Route 113 South or to access Seabury Avenue from Route 113 South. For someone that tries to get across, yield is not a suggestion. Someone trying to cross yielding is really required though he does not think anyone slows down long enough to even read the sign. He has found himself right in the middle of Route 113 north to avoid getting hit by another vehicle coming from the south.

The current configuration at the intersection is not structured to support heavy traffic use and will only become more unsafe as its current level of uses is increased. DeIDOT is not likely to change the intersection and are more likely to close it as traffic increases.

Fourth, in his opinion, of all the parcels of land available for commercial development, along Route 113 from the Redners Shopping Center traffic light all the way north to its intersection with Route 1, this is the worst possible location for this parcel of ground to become a C-3 and simply does not compute.

He explained that a conditional permit isn't anything to relax about because it becomes permanent after a while because no one ever loses and the business will stay in perpetuity. If approved, the rezoning will forever change the nature of the neighborhood from being a quiet family area to a heavy traffic and congested one.

Councilmember Boyle further stated that Council has an obligation, as the governing body for the City, to balance the needs of a growing City, while preserving the hometown feel of Milford that has evolved overtime. Growth is coming and will continue to come to Milford, but Council can neither abandon entire neighborhoods for small gains, nor can we abrogate our responsibility to manage the City's growth in a smart manner that respects the good that exists, accommodates the commercial development that will come and the growth with it and make sure it is compatible with how the City envisions its future.

Normally, Councilman Boyle would agree with the recommendation of the City's Planning Commission. However, in this instance, he does disagree. In this instance, as he has on another occasion, believes that designating this parcel to C-3 is incompatible with the bordering neighborhood and that the Seabury Avenue/Route 113 intersection, when compared to the potential scale of the uses permitted in the C-3 highway commercial property, simply does not fit.

Therefore, he is not in favor of making the change.

When asked to comment about the concern related to the gas pumps in proximity to the City wells, Planning Director Pierce explained that the City has a Source Water Protection Ordinance. Within it, DNREC has a layer that delineates the wellhead protection areas. They would have to delineate that on their site plan. Upon visual inspection of the resources available to Mr. Pierce, it did not appear to impact that property. It is 150 feet from the wellhead and he believes it came close to the boundary of the site the wells are on, but did not enter the property and would not affect where the actual tanks were to be located.

That would need to be reviewed and the plan would have to meet the criteria as part of the site plan review. He is unable to check it now because he has no knowledge of where the pumps/tanks will be located.

Councilman Culotta then stated that typically, his take on these situations is that he likes growth and wants more services for the residents. Looking at this solely from a Route 113 standpoint, he could see possibly. But when including Seabury Avenue and the nature of the design...he grew up on the dead-end side of Clarke Avenue and is very familiar with this area. But the nature of the design of Seabury Avenue is easy to come north on Route 113 and tear down Seabury, which is why we have problems with speeding there. He got a ticket when he was in high school.

With that, he is all about growth, but about smart growth. He thinks that may need to be considered even though this is only a rezoning discussion and debate, and what we need to be careful about and open the doors for.

Councilman James stated that even though, both his wife and him, are lifetime residents of the City of Milford, they were always familiar with Seabury. He went out there on a Sunday after it stopped raining, and just drove the area from each angle and pulling in and pulling out. Just to see what it feels like, not that he didn't know. And also last Friday, he went out there and walked the area to see what it feels like, what is across from it, what it looks like and thinking about the change of zone and what could go there and what could not go there.

He referenced his line of questioning earlier, and the nature of the neighborhood which is residential, except for an attorney office or a physician's office. He is thinking about whether the bus stop could be moved and thinking about the Simpson property being developed on the end of Cherry Street and all the things that could happen on Seabury Avenue. Not that it has been determined, but if it was C-3, there could be an entrance and exit off Seabury. He is also thinking about what someone else said that he did not think about. If it is being rezoned commercial and depending on what goes there, people want to go there and what other streets will they navigate to get there and cause an impact on many other streets, which he had not considered.

For all of those reasons, Councilman James cannot see the benefit versus the negative effect of this change of zone to C-3 versus the negative impact to the community as it exists.

Solicitor Rutt stated that as a word of caution, when the vote is taken, the comments, either for or against, must be based on the record presented by the applicant and the residents who spoke tonight and not any personal observations. Those comments would not be part of the official record so to speak.

Councilmember James thanked the Solicitor and said he understands.

Councilmember Culotta moved to deny the change of zone from OC-1 to C-3, seconded by Councilmember Boyle. Motion carried by the following unanimous 6-0 roll call vote:

Marabello-vote to deny the application to change the zoning, for the reasons as have been outlined by many members of the community and the many pertinent statements made by fellow Councilmembers regarding traffic, etc.

Boyle-votes to deny the rezoning for reasons he previously stated and it is incompatible with the neighborhood and will bring about changes that will negatively impact Seabury Avenue. The intersection itself, is not suited to be turned into a corner property that will require Seabury Avenue to change its very nature.

Culotte said he will vote to deny the rezoning for reasons not just stated by the public, but other Councilmembers, even though it does fall in line with the City's Comprehensive Plan, which is only a general plan and the nature of the design. If this was a right 90-degree angle street, it might change it, does not know. But OC-1 is still a very good designation with a lot of options for businesses and because this is a medical town, can really consider that as well in the future. Because it is in his ward, he would like it to remain OC-1.

Brooks-votes yes to deny it because he didn't want it, because of the impact it has on citizens and traffic impact on just about everybody.

Morrow votes yes to deny the change of zone for reasons that have been stated, plus he thinks the lot is just too small.

James-votes yes to deny the application for reasons stated by the public and by Council and the negative impact that could occur due to the increase of traffic that may be created by the C-3 zoning uses.

Mayor Campbell announced the application is denied to change the zone from OC-1 to C-3.

## COMMUNICATIONS & CORRESPONDENCE

### *East Delaware Avenue Tree*

Councilman Culotta was notified this week, though he was aware of this previously, of a particular piece of property, a right of way, and who is responsible for the trees. One of the trees has fallen and in the past, the City has taken care of it. He said we had developed a letter to go out to those residents and he would like for City Council to see as part of the package in the future.

He further explained that the backside of properties on Delaware Avenue and East Clarke Avenue have a right of way alley. Based on research, it was determined this was a coal alley when coal was delivered to residences for heating purposes back in the day. It has never been improved, but has always been known as an alley.

In the past, the City has always taken care of any tree removal and most recently in 2015. There are other incidents when trees have been removed by the City according to Councilman Culotta.

With input from our Public Works Department and City Solicitor, it was determined that the alleys are private and the responsibility are the adjacent property owners.

He prefers this be taken care of by the City as has always been done in the past and prefers it was handled differently and just taken care of this tree.

Councilman Culotta does not feel we need an attorney to tell one of our residents they are responsible for removing the tree, because this one tree could have been cut down for a whole lot less.

Solicitor Rutt said this is a situation he was asked to review by Public Works. He also road by the block and was unable to see an alley. He observed trees and backyards with sheds but no right of way. In the past, he explained these paper alleys on these old subdivision documents, were private alleys. On paper, this is 12-foot alley and there is one alley that connects East Clarke and Delaware that contains a sign that states unauthorized vehicles prohibited. It appears the neighbors took ownership of that alley. As a result, when he considered the facts, it was determined the alley was not a City alley and was already appropriated to the residents.

Councilman Brooks said in the past, when the homeowners were given the alleys, it was always done on paper and not just word of mouth.

Solicitor Rutt explained that from a legal point, when an alley is shown in a subdivision, that is a presumptive dedication of the alley or the street to the City. However, the City would have had to accept it as part of their streets and has taken over the maintenance and improvement and repair of the alley. A paper alley shown on a map does not mean the City has accepted the alley and refer to what has happened in terms of its use. That is why he went and physically reviewed the alley. There is no alley behind these homes and instead it is land being used by the residents.

Councilman Brooks said when they had the coal back in the 40's and 50's, the City's had the right of way and now Mr. Rutt is saying all of a sudden, it is the homeowners' responsibility. Mr. Rutt said when they were coal alleys, they were private alleys for the private use of the residents.

Councilman Brooks said these trees belong to the City right now. Councilman Culotta said we don't know and even though legally Mr. Rutt provided some information, but in practice, the City has always taken care of these trees and a precedence was set.

Mr. Rutt recommends the City address a policy regarding the maintenance of these private, paper alleys and maintaining them.

Councilman Brooks said this was done on Lakeview and the alleys were officially given deeds to them. The residents on Delaware Avenue have no deeds. Mr. Rutt explained that if a property and a street that is abandoned, as was the case on Lakeview, that was shown as a City street (East Clarke). The one at Seawatch was also shown as a City street (Evans Street). The City went through an abandonment process because it involves a street that was never opened or used and the owners are presumed to own to the center of the street or alleyway.

Solicitor Rutt said he is only informing Council of the law.

Councilman Culotta asked that the brakes be put on the matter because he wanted to bring it before City Council so it could be decided by the elected body.

It was agreed the matter would be added to the next workshop, because it is not on tonight's agenda.

The City Manager asked that if the precedent is set in this situation, the City is going to be taking on the responsibility and maintenance of other private alleys.

#### *Mispiration Art League*

Councilman Marabello recalled the Art League sponsoring the Big Draw in October, which was very successful. It was determined there were over 2,000 participants in the various events.

When in Europe, Rosemary Connelly brought the idea back. Other than Milford, the only other municipality that participated in the Big Draw was San Francisco.

The Art League was commended for a great job.

#### *Public Works Department*

Councilman James remarked on the number of improvements he is seeing throughout town, particularly many of the rough spots in the roadways have been patched, in addition to many sidewalks being repaired.

In addition, he had a request for street light in his ward, which was taken care of and the neighbors are very happy.

#### *Planning, Code and Inspections*

In addition, Councilman James said there was a bad eyesore on Church Street, which has been taken care of and that street sees a whole lot better.

Overall, he continues to see code-related improvements throughout town, so the work is being done and he commends those City employees.

#### *Electric Department*

Councilman Culotta said he received an email from a resident commending the improved lighting in the downtown area, which he forwarded to the Public Works Department for the great job he is doing.

He agrees with Councilmember James that people are taking notice.

#### NEW BUSINESS

#### *Renewal/Kent Economic Partnership Agreement*

KEP Board Chair Greg Moore stated that before Council is the Choose Central Delaware tagline, developed by Executive Director Linda Parkowski.

Chairman Moore then provided background on KEP noting they are a public/private organization whose office is in Kent County Levy Court. He also noted that the organization is made up of many business members. President of the Greater Kent Committee Craig Crouch of KSI from Milford was also present.

He noted that their board has representative from each of the larger municipalities that include Dover, Milford and Smyrna. Currently, Councilman Boyle is Milford's representative.

The Chairman pointed out KEP's goal is to bring high paying jobs and economic development to Milford and all of Kent County. They will continue working hard to accomplish that.

Executive Director Parkowski then addressed Council and reviewed the results of the Rockport Study. The targeted industries were healthcare, distribution logistics and business and legal services. Over the next year, her priority will be on healthcare, which works perfectly in Milford. She has been working with the Wellness Village to acquire tenants, arranging meetings with schools and technical schools in order to provide training for the various healthcare facilities, including Bayhealth and Nemours, in the community.

She concentrated on distribution, warehousing and logistics her first year. Milford had some identified potential sites in this area, though more of the areas would need to be built. The positive is that Milford did not have a lot of empty, vacant industrial sites that could be converted.

Through the Kent County MPO, they also commissioned an East-West Freight Route for Kent County, which should be completed by 2020.

She is also working on recruiting jobs in the business and legal services.

They are working on two other sectors simultaneously with the Greater Kent Committee (GKC) are education and skills development. All the technical schools, secondary schools and higher learning facilities are represented on an Education Work Force Committee.

She also spoke of the Quality of Life Committee whose one focus is on water-access points in Central Delaware in which Milford is highlighted significantly in that project.

Ms. Parkowski talked about several on-going projects that Milford is part of, including Excellence in Education, focusing on Kent County Schools and Milford is featured prominently in the associated video and publication.

Mr. Moore then spoke about the Ready in Six, which is the result of the business community informing KEP the permitting process at the state level is too slow. As a result, they have partnered with several business entities in the State to study that process. That draft study will offer solutions to making that process faster in an effort to help new businesses in Central Delaware.

In addition to the many services and resources available through KEP, Ms. Parkowski talked about the Planner meetings and Town Manager meetings they have hosted. Those meetings have been very successful where ideas were shared and concerns addressed and solutions and assistance offered.

The website has been completely rebuilt and they are receiving ongoing inquiries about sites throughout Central Delaware.

Ms. Parkowski assured Council that Milford has been represented at the various trade shows they have attended, in addition to various other marketing sources being used.

She shared that she is actively working eight projects since Labor Day. There is the potential for 350 new jobs and over \$120 million in new investments in Kent County.

Mr. Moore then advised that the State of Delaware set up the Delaware Prosperity Partnership (DPP) and he and Linda are actively working on their board. His job is to make sure Kent County gets the resources from the State of Delaware DPP and brings them back to places like Milford, Dover and Smyrna. Some of the leads actually come from them and their hope is to have some big leads for Milford.

He also reported that the funding they receive, might fund a study that is needed in Milford. They have the ability to get the State of Delaware through DPP to fund that study or analysis.

Mr. Moore said they are in attendance tonight to extend the agreement from last year and want to save the City from creating new economic development offices in Milford, as well as in Dover and Smyrna. Their entity can actually bring those leads for new businesses to come here.

He also added that Ms. Parkowski had actually had met the applicant from earlier this evening at a convention outside of Delaware.

It was confirmed that their assistance to Milford covers all the City in both counties. Mr. Moore stated yes, that is why Bayhealth is a prominent issue in Milford, in addition to the Wellness Village.

When asked why Milford has not had any leads since they partnered with KEP, Mr. Moore said that Ms. Parkowski has been working with Nationwide, bringing them leads and tenants, so there is actual leads and operations that KEP was associated with.

Ms. Parkowski added that is one of her projects and now that they are turning their attention a little to the retail/commercial area, she feels that will help.

She also talked about pitching the industrial parks in Milford in hopes of obtaining warehouse distribution and some simply did not want to come that far south.

Ms. Parkowski mentioned they are also getting calls from small manufactures from out of state that want to relocate to this portion of Delaware, because the minimum wage is increasing in Maryland in 2024. That provides an additional opportunity and continue working with the DPP to identify those companies to target and get the right industrial manufacturing here.

She also emphasized that a project does not happen in one month. She said many projects take at least a year and sometimes two years from the time the inquiry comes in. She has one project that involves almost two hundred emails and texts trying to lure them here from the Federalsburg, MD area.

Mr. Norenberg then recalled a recent discussion about KEP refreshing the Rockport study next year and the opportunity for targeted research for each community. Ms. Parkowski said that is being discussed and they are working out to what scale is needed. In addition, some municipalities have requested having that done for their town. As a result, they are looking at how to do that under one umbrella.

When talking about the partnership with DPP, Ms. Parkowski pointed out that DPP receives \$4 million with \$2 million coming from the State of Delaware so taxpayer dollars are supporting that entity.

Councilman James feels that is a good point. As a Councilperson with KEP is paid by Milford's tax dollars. He alluded to the earlier question asked, but asked for more specifics about what the City of Milford has gained from their \$30,000 investment to the KEP.

Ms. Parkowski pointed out that Milford is included in the representation at nine different national trade shows. Mr. Moore added that all their marketing, both digitally, and in hard copies include Milford.

More specifically, Milford is included in the distribution book, on their website and Milford is pitched on a regular basis according to Ms. Parkowski. She said that perhaps she has not found the right fit, but they have also talked about having Milford's industrial area studied for the coming year, from a transportation and revitalization perspective.

She emphasized that does not mean they won't be successful getting someone to Milford, but if Milford does not participate, the City loses any chance.

Ms. Parkowski said that many leads are just recent. Mr. Moore pointed out the Milford Wellness Village, that is not open yet, but they are actively working with them and still pursuing other entities. He said Ms. Parkowski has been working with diligently for schools, training and healthcare.

Councilman Boyle stated that he sits on the board and does not see a light going on for Milford. However, at the same time he agrees it is a slow process, similar to a financial advisor who doesn't give up and stays the course so things will happen.

He suggests that as Central Delaware is pitched, and the more Milford is mentioned, eventually the word gets out. Eventually the word gets out and the right people will become attracted here.

Councilman Boyle would like to see an immediate return, but believes it may need a little more time. With all the resources they have working for them, Milford is already in the chain and are already benefitting that at least the word is getting out. Once something happens, he hopes they can get the word out that Milford is a good place to come and has plenty to offer. He also noted that Milford is the gateway to Sussex and will bear fruit.

Councilman Boyle also feels there is a misunderstand that a lot of resources are being poured into the area between DE Turf and Smyrna.

It was noted that is just a different planning area.

Mr. Moore made it clear that KEP has no interest in DE Turf and do no marketing and no presentations for them. However, their business partner, the Greater Kent Committee, was instrumental in starting the DE Turf and maybe the result of those conversations. KEP’s interest is new jobs, new businesses and projecting Central Delaware outside of Delaware to attract companies.

Specific healthcare needs were then discussed. Ms. Parkowski reported that the State of Delaware is a minus thousand beds for dementia patients. She also looking for healthcare processing or headquarters. Those are the type things she is targeting for Milford and will continue to work with the three healthcare entities here.

Councilman James mentioned other areas that should be considered as well.

Ms. Parkowski agreed, adding Milford has a lot to offer and she is very familiar with what is available and will continue to work for them.

Mr. Norenberg noted the current agreement is expiring soon and there is money in the budget for economic development. He also reported that the Community and Economic Development Committee had asked that a presentation be provided by retail consultants to give Council some ideas of other strategies that may be available. That is scheduled for the committee meeting on November 12<sup>th</sup>.

He will also have the KEP agreement on the next agenda. The agreement is available for Council to review and identify any possible edits that may be needed in the meantime.

Mayor Campbell thanked Ms. Parkowski and Mr. Moore for attending this evening.

*Bid Award/City Road Resurfacing Project*

Public Works Director reported that based on a Pavement Condition Report completed in 2017, streets rated in Poor, Very Poor or Serious Condition were identified to be rehabilitated over a five-year period. The project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget. Funds in 2018 were for the following streets:

Mispillion Street	Columbia to Marshall Street
Fisher Avenue	SE 2nd Street to SE 3rd Street
Roosa Road	Airport Road to Dupont Boulevard
Masten Circle	NW Front to Masten Intersection
Masten Circle	957 Masten to 1001 Masten
Plum Street	Jefferson to Clarke
SE Fifth Street	Marshall to Bridgeham Avenue
McColley Street	Mispillion to SE Front Street
Marshall Street	SE Front to Deadend

KCI Technologies completed design specifications for the 2019 Road Rehabilitation Project - A, Contract 2020-ST-002 which included the resurfacing of **Masten Circle, Fisher Avenue and Roosa Road.**

On October 16, 2019, at 2:00pm, bids for the project were to be opened in the City Hall Council Chambers. Two bids were received:

<u>Contractor</u>	<u>Bid Amount</u>
David A. Bramble Incorporated	\$206,642.00
George & Lynch	\$215,170.00

The engineer's estimate for the project was \$227,780.

David A. Bramble, Inc. is the apparent low bidder and has sufficient experience in road rehabilitation work. David A. Bramble, Inc. has a very good local reputation for work similar to this project; and they have performed several successful projects with KCI as the lead engineer for nearby municipalities in the past.

Funds allocated for the project in the 2018 Budget included \$183,000 from Municipal Street Aid and \$757,000 from Real Estate Transfer Tax Reserves. Sufficient funds are available for the project.

The remaining streets will be completed under a separate contract as they require concrete work including curbs, ADA ramps, storm inlets, drainage and subbase work.

Councilmember James moved to award Contract #2020-ST-002 for the 2019 Road Rehabilitation Project A to David A. Bramble, Inc. of Chestertown, MD in the amount of \$206,642 with funding from Municipal Street Aid. Motion seconded by Councilmember Boyle and carried.

#### *Renewal/First State BMX Lease*

City Manager Norenberg advised that the City of Milford leases land to First State BMX adjacent to the Central Academy and Milford High School. That lease is on the agenda tonight for consideration of a five-year renewal.

Senator David Lawson said he represents the 15<sup>th</sup> Senatorial District in western Kent County. He was a Milford Police Officer in 1969 to 1973.

He then introduced BMX Staff that were present including track managers, concession stand managers and those that run the track itself.

His wife Donna was also in attendance and has been working with the City Manager to get this accomplished.

Senator Lawson explained that the ¼ mile BMX track involves petal bicycles, not motocross. He invited Council to come out on Tuesday, Thursday or Saturday to visit. ¼ mile track and riders range from 3 years of age to 70. There are 159 riders that use the Milford track three days a week from April through December from 6 pm to 9 pm. This is the only BMX track in Delaware. The closest is in Severn, Maryland.

He said the contract is very important. With the contract in hand, they are able to bid other races including gold line, nationals, red line, etc. The races bring a lot of folks to Milford.

He recalled the national race that brought in over 3,000 visitors and more than 800 riders for the three-day weekend. In addition, it gets kids off the streets. He said often they are working around the track and a kid from the street will ride in who is unfamiliar with BMX, and soon, that kid is on a bicycle riding in competition there.

The program offers bicycles, helmets, and everything needed for a child to come out, free of charge, to get started.

He asked for Council consideration so that they can begin moving and start advocating getting some of the bigger races in.

Senator Lawson confirmed that First State BMX is a volunteer-based, non-profit organization supported by the concession stand and race fees.

Mr. Norenberg said the City is working with the BMX track to find funding to switch out their lighting to LEDs. In addition, the recent bill that was passed to provide lodging tax revenues in Kent County for the DE Turf. He is hoping to work with the county to get some funding to help attract more out of state tournaments to Milford. He looks forward to working with them and come up with more ideas to bring more folks to Milford.

The City Manager also reminded Council the City's Strategic Plan talks about recreational opportunities for young people and teens and expanding those opportunities in Milford. He feels this is a hidden gem in Milford and is not an expense the City has to invest in, but still expands recreational opportunities in our community.

Councilman Culotta has watched some races and feels it is an under-utilized resource that is available in Milford and there is a need to make it a destination for the bicycle enthusiasts.

Senator Lawson added that BMX is an Olympic sport.

Councilmember Brooks moved to authorize execution of the five-year agreement with First State BMX, seconded by Councilmember Morrow. Motion carried.

#### *Authorization/City of Lewes Affidavit*

City Manager Norenberg reported there is a conflict in Lewes between the City of Lewes and the Board of Public Works. In Lewes and in the City of New Castle, the utility operations are under the auspices of a separate board of directors based on their charters.

The Lewes Board of Public Works is one of the nine DEMEC cities that has electric and other public utilities. The conflict between the City of Lewes and the Board of Public Works is the requirement for annexation. Milford has tried very hard over the past few years a practice of not allowing utilities to be extended without annexation. The annexation of Baltimore Air Coil will be before Council over the next few weeks, based on an agreement negotiated by one of the previous City Managers many years ago for that very principal.

The City of Lewes has asked that Milford provide an affidavit of support articulating our practice and policy to try and get properties annexed in before providing utilities. He is aware there are properties that are outside the City limits that have water, sewer or electric, for a variety of reasons, though the goal is to bring more people into the City so they are part of the community and pay the property taxes that support the police department and other services they enjoy.

This jest of the request is for the Mayor to state Milford has this practice and support the concept of annexation before getting public utilities from the City of Milford.

When asked how Milford fits in this, it was agreed this is a show of support. Councilman Culotta said it is not our policy to do this, but that has been our practice. He feels you really need a convincing argument why someone would need City resources and not want to be part of the City.

Mr. Norenberg compared this to the waiver of sidewalks that are permitted, until such time they can be connected to other sidewalks.

Councilman Boyle moved to authorize Mayor Campbell to sign the affidavit supporting the City of Lewes, seconded by Councilmember Culotta. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder