

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
April 26, 2010

On Monday, April 26, 2010, the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

STAFF: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello declared the Public Comment Session open at 7:35 p.m.

When asked if anyone had signed up for the public comment session, it was noted that a resident was misinformed about comments being permitted during the workshop session. Therefore, he was permitted to speak.

Collins Batchelor of 417 S. Washington recalled speaking to council two weeks ago but because a couple of the council members were absent, he asked to reiterate his feelings on the city taking over the responsibility of stormwater ponds. He said that HOA documents provided to the homeowners clearly state the HOA responsibilities, one being maintenance of the common elements. The most common is the stormwater ponds or stormwater management system.

Mr. Batchelor stated he is in the business of managing stormwater ponds and is paid to provide his expertise in that field both currently and in the future. He said if the city takes that over, that will remove revenue to himself. He explained the stormwater process is then reviewed, which includes the involvement of the soil conservation districts.

He urged council to abandon the idea noting it is a horrible idea for the city to become involved in stormwater management.

Mayor Marbaello then allowed other residents to speak.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, then responded to Mr. Batchelor. He said the developer provides a copy of the bylaws, rules and regulations and they do not mention stormwater ponds. As a member of the city's HOA Subcommittee, one of Mr. Palermo's recommendations is that all rules and regulations, including the maintenance of stormwater ponds be provided to prospective buyers in a subdivision with an HOA.

Howard Webb, 5536 Cedar Neck Road, stated that when the city annexes developments, they should accept some responsibilities for the developments. If not, two classes of citizens are being created—one that has to take care of their stormwater and one that does not. He asked that council exercise good judgment in this matter.

When no one else indicated they wished to speak, the mayor then closed the public comment session. The session concluded at 7:45 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 26, 2010*

Milford City Council held Public Hearings on Monday, April 26, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:           Honorable Mayor Daniel Marabello

IN ATTENDANCE:    Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO:                City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL:            City Solicitor Timothy Willard

Mayor Marabello called the Public Hearings to order at 7:01 p.m.

*Ordinance 2010-1*

*An Ordinance to Amend Chapter 230, Zoning, of the Code of the City of Milford Relating to Article VI - Signs*

Mayor Marabello announced the first hearing was deferred as is noted in the council packet. City Planner Gary Norris will follow up and report back to council.

*Shawnee Farm LLC for a Conditional Use to allow a Shopping Center in a C-3 District on US Route 113 south of Seabury Avenue in the Cypress Hall Subdivision, Milford Delaware; Tax Map 1-30-3.00261.00; Area of Petition 9.79 +/- Acres.*

*Adoption of Ordinance 2010-2*

City Planner Norris advised that the Shawnee Farm LLC Conditional Use application was withdrawn. No further action will be taken.

*Ordinance 2009-17*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning in relation to open space in Garden Apartment and Townhouse Districts and Planned Unit Residential Developments.*

The City of Milford hereby ordains as follows:

*Ordinance 2009-17*

*Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by adding and adjusting Open Space requirements in Garden Apartment and Townhouse Districts and Planned Unit Residential Developments.*

*Section 2.*

*Amends §230-4, Definitions, by adding a definition for Open Space and Recreational Uses.*

*§230-4 Definitions*

*OPEN SPACE*

*Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and/or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:*

- (1) Community gardens;*

- (2) *Promotion of conservation and protection of wildlife;*
- (3) *Perpetual conservation easements;*
- (4) *Parks, plazas, walkways, and trails;*
- (5) *Buffers or forested areas; and or*
- (6) *For Recreational Uses as defined herein.*

*Open Space shall not include areas of land for the following unless otherwise approved by Council:*

- (1) *Wetlands or storm water management facilities;*
- (2) *Drainage easements;*
- (3) *Flagpole areas, including a 20' radius around the flagpole;*
- (4) *Medians (unless designed as a park);*
- (5) *Signage areas;*
- (6) *Landscaping in parking areas;*
- (7) *Predominantly impervious surfaces such as streets and parking lots;*
- (8) *Required front, side, or rear yards;*
- (9) *Any land included within designated lot lines; and or*

*Utility facilities for uses such as sewer, water, gas or electric.*

*ADD:*

#### *RECREATIONAL USES*

*Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:*

- (1) *Indoor club houses;*
- (2) *Swimming pools and pool houses;*
- (3) *Tennis courts;*
- (4) *Basketball courts;*
- (5) *Athletic fields;*
- (6) *Picnic areas with tables;*
- (7) *Ponds for recreational use (boat, fishing or swimming);*
- (8) *Playgrounds; and*
- (9) *Bike or multi-model trails.*

#### *Section 3.*

*Amends §230-11 B (2)(g) by increasing the Open Space minimum and requiring Recreational Use for garden or low-rise apartments as follows:*

- (g) *A minimum of four hundred (400) square feet per unit shall be designated as Open Space subject to the following Recreational Use Requirements in subparagraph (h) herein.*
- (h) *Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Uses. This requirement only applies to subdivisions or developments with fifteen (15) or more lots or units.*

#### *Section 4.*

*Amends §230-11 B (3)(j) by increasing the Open Space minimum and requiring Recreational Use for townhouses or row dwellings as follows:*

- (j) *A minimum of four hundred (400) square feet per unit for garden apartments shall be designated as Open Space subject to the Recreational Use Requirements in subparagraph (k) herein.*
- (k) *Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Uses. This requirement only applies to subdivisions or developments with fifteen (15) or more lots or units.*

*Section 5.*

*Amends §230-48.1 by increasing the Open Space requirements and requiring Recreation Use in Planned Unit Residential Developments by adding a new paragraph (G) to read as follows:*

- G. A minimum of four hundred (400) square feet per unit shall be designated as Open Space subject to the Recreational Use. Recreational Use Requirement – Fifty percent (50%) of the required Open Space shall be set aside for Recreational Use*

*Section 6.*

*Adoption Date: April 26, 2010*

*Effective Date: May 6, 2010*

City Planner Norris advised the ordinance has been diligently reviewed by the planning commission. This amends the zoning ordinance in relation to open space. He noted that he also forwarded the ordinance to Parks and Recreation Director Gary Emory for review.

The city planner then briefed council on the ordinance emphasizing this would only impact developments for garden apartments, townhouses and planned unit developments. A new definition for open space was added along with a minimum requirement of 400 square feet of open space per unit. Of that, 50% must be designated for active use.

The planning commission recommended approval of the ordinance by a vote of 7-0.

When asked for questions from council, Mr. Adkins asked the reasoning behind the exclusion of the flagpole area and twenty foot radius. Mr. Norris explained that because that area was part of the calculation of open space in some developments, the planning commission did not feel it was appropriate.

Mr. Johnson confirmed this amendment only applies to new developments and nothing currently in the development phase. Mr. Norris stated that is correct and reiterated it also only applies to garden apartments, townhouses and planned unit development projects.

When asked if there are any applications in the process, Mr. Norris stated there are ongoing discussions with various developers. There may be revisions to what is currently on the books which will need to be resubmitted to meet the new standard. Watergate did receive final approval though it is his understanding they are amending the plan from mainly single family to condominiums. If that occurs, this zoning amendment will apply.

When asked for comments from the public no one spoke. The public comment session was then closed by Mayor Marabello.

Mr. Morrow suggested deferring action until the new council is sworn in and also expressed concern about a vote without a full council this evening. When asked for other council members' opinions, Mr. Johnson noted there are seven of eight council members present.

Ms. Wilson then asked for clarification on any applications that have not been granted final approval. Mr. Baird stated Mr. Norris referenced an application where the developer is planning significant changes that will need to go back through the approval process and will be impacted by the change as a result.

Mr. Norris stated that Cascades would also be affected though that development is also being reconfigured and will need to go back through the approval process.

Mr. Baird asked what the planning commission was attempting to accomplish with this ordinance; Mr. Norris explained they wanted a clearer definition of open space. Instead of including wetlands, stormwater management facilities and a variety of other things that have been used, they were trying to create more attractive communities using a better design of recreational facilities.

Mr. Adkins asked if not including stormwater management ponds could that have a negative impact on the development or encourage smaller, inadequate ponds. Mr. Norris explained that ponds are regulated by the conservation districts and must meet the standards for that development.

Mr. Adkins asked if there was any feedback from the developers; Mr. Norris stated they heard from a representative from DBF who was not in favor of the amount of open space. His opinion was that stormwater management facilities should be included in the calculation.

Mr. Adkins pointed out that almost all of Sussex County is considered wetlands by definition; therefore, he has some concerns. Mr. Norris stated the wetlands referred to in the ordinance fall under the jurisdiction of the Army Corp of Engineers with a specific demarcation of the wetlands by the Army Corp or FEMA.

Mr. Spillane then moved to adopt Ordinance 2009-17 as presented, seconded by Ms. Wilson. Motion carried by a unanimous roll call vote.

Mr. Johnson asked the motion be amended so this only applies to new applications and anything midstream will not be affected. Mr. Spillane agreed to amend his motion accordingly.

City Solicitor Willard then explained the general rule is if preliminary approval has been received, those laws or rules in place at the time of submission would apply throughout the process. Mr. Willard emphasized the ones mentioned will need to reapply because of the change to the overall plan.

Planning Commission Chairman Chuck Rini was present and confirmed the planning commission's intent was that any application in midstream would be grandfathered in and not affected by this new standard.

The motion, as amended, then carried by unanimous roll call vote.

Mr. Adkins stated that because the planning commission voted 7-0 in favor of the amendment he will vote yes though he likes the idea that council has some discretion when considering future applications.

#### *Ordinance 2010-18*

The City of Milford hereby ordains as follows:

#### *ORDINANCE 2009-18*

##### *Section 1.*

*An Ordinance to amend the Code of the City of Milford, Chapter 200, thereof, entitled, Subdivision, by adjusting the Open Space definition.*

##### *Section 2.*

*Amends §200-3, Definitions, by deletion the current definition of Open Space and by inserting the following definitions for Open Space and Recreational Use.*

##### *§200-3 Definitions*

*Replace and Add:*

##### *OPEN SPACE*

*Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:*

- (1) Community Gardens;*
- (2) Promotion of conservation and protection of wildlife;*
- (3) Perpetual conservation easements;*

(4) Parks, plazas, walkways, sidewalks and trails;

(5) Buffers or forested areas; or

(6) For Recreational Uses as defined herein.

Open Space shall not include areas of land for the following unless otherwise approved by Council:

(1) Wetlands or stormwater management facilities;

(2) Drainage easements;

(3) Flagpole areas;

(4) Medians (unless designed as a park);

(5) Signage areas;

(6) Landscaping in parking areas;

(7) Predominantly impervious surfaces such as streets and parking lots;

(8) Required front, side, or rear yards;

(9) Any land included within designated lot lines; or

(10) Utility facilities for uses such as sewer, water, gas or electric.

#### RECREATIONAL USE

Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

(1) Indoor club houses;

(2) Swimming pools and pool houses;

(3) Tennis courts;

(4) Basketball courts;

(5) Athletic fields;

(6) Picnic areas with tables;

(7) Ponds for recreational use (boat, fishing or swimming);

(8) Playgrounds; and

(9) Bike or multi-model trails.

#### Section 3.

Adoption Date: April 26, 2010

Effective Date: May 6, 2010

City Planner Norris advised this ordinance includes the same definition for open space as the previous ordinance though this amends the Subdivision Code so it is consistent with the zoning ordinance.

With no questions from the council, Mayor Marabello opened the floor to public comment. When no one responded, the mayor closed the public comment portion of the hearing.

Ms. Wilson moved to adopt Ordinance 2010-18, seconded by Mr. Spillane. Motion carried by unanimous roll call vote.

#### Resolution 2010-7 - Proposed City of Milford Charter Amendments

Mr. Spillane said that all matters relating to the charter have been resolved and asked the city solicitor to comment. City Solicitor Willard advised the draft bill is complete though it does not have a synopsis. The charter will be presented to the General Assembly where it will be introduced, debated and passed. Following the public hearing, council may adopt, defer or change it.

Mayor Marabello then opened the floor to public comment.

Joe Palermo, 5 Misty Vale Court, Meadows at Shawnee, stated his concern is the date of the election whose time is a distraction. He prefers the hours be changed from eight to four. In addition, when there is a major event occurring, such as the Bug N Bud Festival, he prefers it be moved to another date to prevent any conflict.

With no other person responding, Mayor Marabello officially closed the public comment session.

Mr. Brooks then responded to Mr. Palermo's comments stating that years ago, the election was held on Saturdays from eight to eight and no one came in between eight and noon. It was then changed from noon to eight which has worked out well over the years. In addition, the charter requires a specific date for the election and unable to be changed each year because of another event.

The mayor asked for any other comments.

Mr. Morrow stated he prefers to defer action and referenced the synopsis not being complete. Mr. Willard explained that he held off completing the synopsis until public comments were received. He said it may be worth having the new council adopt the final resolution though that is councils' call. Mr. Morrow prefers waiting until the new council is in place.

Ms. Wilson recalled the discussions about the vice mayor and whether or not they are permitted to vote. After further consideration, she feels a council person would be remiss in properly representing their ward without a vote. She asks that be reconsidered noting that council is elected to represent their constituents despite the fact they are the presiding officer at a particular meeting. Though the vice mayor acts as the mayor, it is only a temporary situation.

Mayor Marbello agreed with Ms. Wilson; Mr. Brooks said he brought the issue before council which was based on what he was told by the mayor and city manager. He was told that when he acted as mayor, his duties were the same as the mayor and he was not permitted to vote.

Mr. Starling feels that in the case of Ms. Wilson, this takes a vote from the fourth ward or whatever ward that councilperson/vice mayor is representing which is unfair. This could involve a situation that directly impacts that person's ward and that one vote could make or break it.

Mr. Johnson recalled that Mr. Starling had previously mentioned the possibility of a tie vote though he recommends a tie vote in that situation be postponed until the following meeting. Mr. Willard said the issue can be brought back though it depends on the action being taken, for example, a zoning issue must be handled differently.

The solicitor explained that council agreed to leave it as it currently exists which does not permit the vice mayor to vote. He added the charter also requires four votes to pass something which must also be considered. Therefore, by removing one voting member makes getting four votes more difficult.

In Mr. Willard's opinion, he feels it is a policy issue. He feels it may be disenfranchising and should be addressed as a policy issue.

Mr. Johnson also prefers the vice mayor be permitted to vote as a council person and that any tie votes be broken at the following meeting. Mr. Starling feels voting should be done when the item is on the agenda and not postpone. He has seen problems created when waiting two weeks to take a vote. It sets up a situation for someone planning to vote one way to be persuaded to vote the other way.

Mr. Willard explained a tie vote is considered a defeat. If there is a motion to pass something and there is a tie, it simply does not pass.

Mr. Spillane then recommended postponing action on the charter. Mayor Marabello agreed stating it would be deferred until the following meeting.

Frank Fountain stated he wished to speak. Mayor Marabello advised the public comment session was officially closed. He then asked council if they wished to reopen it and asked Mr. Fountain to come forward.

Mr. Fountain stated he has served as a councilperson and had a problem with the mayor or vice mayor not voting. He feels they are representing the taxpayers who have a right to know where the mayor or vice mayor stands. He said when someone says they don't want something and depending on the outcome, the mayor can say he was for or against it though the public never knows. He thinks something needs to be changed to prevent the mayor or vice mayor from hiding behind the issues. He thinks something should be worked out and agrees with Mr. Starling that if an issue is brought before council, it needs to be addressed that evening.

With no further business, Mayor Marabello adjourned the Public Hearing session at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
April 26, 2010*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, April 26, 2010.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Council Meeting to order at 7:45 p.m.

*Adoption of Resolution 2010-7/Amended City of Milford Charter*

Item was deferred until the May business meeting.

*Proclamation 2010-5/Memorial Day & Milford Veterans Affairs Poppy Sale Days*

Mayor Marabello presented Milford VFW representatives Pat Darlin, Ladies Auxiliary Senior Vice President, Al Darlin, President of the Men's Auxiliary and Jerry Thompson, Commander, with the following proclamation which was read into record:

*WHEREAS, The annual distribution of buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and*

*WHEREAS, Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fundraising campaign are used exclusively for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans; and*

*WHEREAS, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is movingly reflected in the desire to "honor the dead by helping the living"; and*

*WHEREAS, the 2010 Buddy Poppy Drive is being held from May 1 through May 31, 2010 and*

*WHEREAS, The Milford VFW Post #6483 and its Ladies Auxiliary have promoted the sale of the Buddy Poppy through their hospital visits and activities at the Veterans Home and within the City of Milford; and*

*WHEREAS, those funds have been distributed to worthy individuals within the Community.*

*NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Marabello, Mayor of the City of Milford, do urge all patriotic citizens to wear a Buddy Poppy as a mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens and do hereby proclaim that May 2010 is Buddy Poppy Month in the City of Milford.*

*AND, BE IT FURTHER RESOLVED, that I, Daniel Marabello, Mayor of the City of Milford, Delaware, do hereby declare that Memorial Day be observed on Monday, May 31, 2010 in this City.*

*Due reverence and honors will be given to those valiant veterans who gave their lives in defense of this great Nation so that we may remain free. It is urged that we all join together in honoring them for their supreme sacrifice.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this Twenty-Sixth Day of April in the year of our Lord Two Thousand and Ten.*

*Mayor Daniel Marabello*

*Budget Adjustment/Police Department/Roof Repair*

Chief Hudson requested \$14,200 be transferred from the General Fund-Fund Balance (101-0000-399-1000) to the Police Department's Capital Building (421-7020) line items to repair the roof of the department damaged during the snow storms this past winter.

The repair estimates received were in excess of \$20,000. Of that, our insurance company paid \$6,054.98 and are withholding an additional \$4,436.19 until the repairs are completed.

Ms. Wilson moved for approval of the transfer as presented, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Brooks asked Mayor Marabello when a new police department can be considered noting the problem with the size and constant repairs. Chief Hudson advised that he has requested funding for a Needs and Feasibility Study in his next budget. If approved, he will immediately contact a police facility design architect. The city manager stressed it was submitted in the proposed budget.

Mr. Brooks recalled it being in last year's budget; however, those funds were needed to repair two police cars damaged in accidents last year.

Mr. Brooks emphasized the need for a new department noting it was built with a much smaller department in mind. The present building is inadequate to house the number of employees and amount of equipment they now have.

*Request for Waiver/City Noise Ordinance/Relay for Life*

Mr. Baird advised the city ordinance requires any noise coming from a loud speaker to be turned off by 10:00 p.m. on weekends. The Relay for Life has requested an hour extension for their event at Milford Middle School on Saturday, June 12<sup>th</sup>. He has spoken with Chief Hudson who has no objections to the waiver; therefore, he recommends council use their authority permitted in the noise ordinance to grant the one hour extension.

Mr. Starling moved for approval of the one hour waiver on June 12<sup>th</sup> until 11:00 p.m., seconded by Mr. Brooks. Motion carried with no one opposed.

*Budget Adjustment/Sewer Capital Reserves*

Mr. Baird recalled the increase in I&I costs as a result of the high water table this year. The sewer budget line originally had \$400,000 which has exceeded by more than \$400,000. The March bill for I&I was \$281,000. He is asking an additional \$400,000 be transferred from the sewer capital reserves to the operating fund to cover that loss. He said the other losses will be made up by other areas of the operating project and are expected to be approximately \$1 million.

Mr. Adkins asked the amount in the sewer capital reserves at this time. Mr. Baird advised \$3.16 million as of the last finance report.

With no further comments, Mr. Brooks moved for approval of the \$400,000 budget adjustment from the capital fund to the operating account, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Mr. Adkins votes yes, stating this highlights the importance of the work and study that is currently underway.

Mr. Brooks agrees with Mr. Adkins and votes yes.

*Adjourn*

With no additional business, Mayor Marabello adjourned the Council Meeting at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
**MINUTES OF MEETING**  
*April 26, 2010*

The City Council of the City of Milford met in Workshop Session on Monday, April 26, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

**PRESIDING:** Mayor Daniel Marabello

**IN ATTENDANCE:** Councilpersons Steve Johnson, Michael Spillane, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

**ALSO:** City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

**COUNSEL:** City Solicitor Timothy Willard

The Workshop Session convened at 7:55 p.m.

*Dan Perez/Milford Music Festival*

Mr. Perez was not in attendance; therefore, the matter will not be discussed this evening.

*HOA Subcommittee/Stormwater Recommendations*

The city manager advised that presentations have been made and council needs to determine how to proceed. Mayor Marabello asked for a recommendation from council of whether it should be deferred to be discussed at the next council meeting.

Mr. Adkins then explained that council needs to decide whether to proceed with taking over stormwater management facilities.

Mayor Marabello then read the following recommendations of the Stormwater Management Ponds Ad Hoc Committee into record:

\*Pursue immediate measures to mandate city responsibility for ongoing maintenance. Maintenance of all future storm ponds receiving approval for construction.

\*Effective immediately, require the city's acceptance/dedication of streets and other infrastructure be contingent upon the respective county's Soil Conservation District inspection and approval of stormwater facilities.

\*Authorize a study to determine the feasibility and process to bring all existing stormwater/retention ponds in Milford under the jurisdiction for care and maintenance responsibility.

Mr. Morrow suggests the city take care of the I&I issues before taking on any additional financial responsibilities in relation to stormwater. He noted that \$400,000 was just approved so the city could proceed in that effort and he does not feel any additional taxpayers' money should be used until this matter is resolved.

Mr. Adkins said he has a number of concerns. He has some reservations and though there are some advantages to joining an HOA, one of which is to create values within the HOA. If the city takes it over, that will eliminate amenities such as fountains and fences, as an example. He appreciates the work done by the committee whose report taught him several things including the fact that any problems were to be reported to the conservation district. In turn they issue an inspection report and recommendations on how to proceed.

His other concern is the financial burden on the city. In reading the minutes of the HOA committee, the costs were discussed though the committee agreed not to bring that up though it is almost \$400,000 a pond. He feels it will be a huge burden in addition to increased personnel costs. He recalled Mr. Spillane stating it could be handled by the current staff though he disagrees considering the additional work it would require. Therefore, he believes that two to three new employees would have to be hired.

Mr. Adkins said is strongly against taking over these ponds for those reasons and others.

Mr. Spillane explained the committee is not asking for the city to take over the ponds at this time; they are asking to do some additional work to determine what costs are involved which would include any additional personnel costs. He said they are only asking for councils' support and agrees their work should continue.

Ms. Wilson said she disagrees because the language is clear in their statement 'pursue immediate measure to mandate city responsibility for ongoing maintenance'. In her opinion, it appears they want the city to act on this immediately. She feels an HOA is the choice of the homeowner and that person has some responsibility to determine what is involved which should include any responsibility to those ponds. Therefore, she does not feel it is the responsibility of the other taxpayers to support this.

Mr. Spillane pointed out the city already maintains a number of stormwater ponds in the city. He feels it is a city-wide concern as many properties could be affected besides those in those developments. He thinks there is a need to proceed.

The mayor asked if anyone else had further comments. When no one responded, he said there will be no additional discussion on the matter tonight.

*Mayor Marabello*

Mayor Marabello made parting comments, reflecting on his experiences as mayor over the past two years. He added he looks forward to continuing to work with the city in the future.

*Adjourn*

The Workshop Session of Council concluded at 8:13 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder