

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2015

Milford City Council held a Public Hearing on Monday, June 22, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Hans Medlarz, Police Chief Keith Hudson and
City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:01 p.m.

Planning and Economics Activities Coordinator Rob Pierce was also present.

*City of Milford Zoning Chapter Amendment
Adoption/Ordinance 2015-03*

Mr. Medlarz informed council this ordinance addresses setbacks for riparian buffers and wetlands. He then deferred to Mr. Pierce.

Mr. Pierce explained this is an amendment to the City Municipal Code Chapter 230 Zoning adding sections 230-45.2 'Wetlands' and 230-45.3 'Water Bodies, Streams and Other Watercourses; Riparian Buffers' under Article 8 Miscellaneous Provisions.

These amendments were requested by FEMA as part of the recent flood plan ordinance requirements. The intent is to protect sensitive environments and natural resource areas.

Section 230-45.2 will require a wetlands investigation for any activity which involves a conditional use, site plan or subdivision plan. If wetlands are present, they must be surveyed and delineated on the plan.

No portions of wetland areas shall be subdivided, filled, developed or cleared of vegetation unless granted permission under a state and/or federal permit.

No building, structure, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to the delineated wetlands area, except for limited cuts required for the installation and placement of storm-water outfall stabilization facilities.

Section 230-45.3 provides a riparian buffer of 25 feet for tidal waters and 50 feet for fresh water sources as measured from the mean high water line. The ordinance provides an exception for redevelopment conditions, lessening the riparian buffer distance to 10 feet for both tidal and fresh water, as long as the redevelopment area is less than 200 square feet.

He concluded by reporting that the planning commission recommended approval at their May 12, 2015 meeting.

Mr. Pikus confirmed this is the result of the recent amended floodplain requirements recently adopted by the city. Mr. Pierce explained this involved a couple outstanding items left following that adoption.

Mr. Pierce informed council that he has the floodplain maps in his office should the public wish to view. They are also offered on line through the FEMA website. Mr. Burk suggested a link be added for easier access.

Mayor Shupe opened the floor to any member of the public to comment on this matter; no one responded and the mayor closed the public comment segment.

Mr. Pikus moved to adopt Ordinance 2015-03 amending the city zoning code as stated, seconded by Mr. Brooks:

WHEREAS, the City is required as part of its mitigation action plan to establish riparian buffer standards and building setbacks along waterways; and

WHEREAS, the City of Milford deems it necessary to establish and regulate riparian buffers and wetland setbacks within the City in order to protect and preserve the natural open space of the City's water bodies, lakes, ponds, and river for the enjoyment of all residents and visitors alike.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.

Section 2.

Article VIII-Miscellaneous Provisions, 230-45.2 Wetland Area is hereby amended by adding the following:

§ 230-45.2 Wetland Areas.

- A. A wetlands investigation shall be performed by a qualified wetlands specialist at the expense of the applicant in preparation for any activity on real property, which requires conditional use, site plan or subdivision plan approval by the Planning Commission and/or City Council as set forth in this chapter and Chapter 200 Subdivision of Land.
- B. The limits of all wetlands determined to be present on the subject property shall be flagged by the wetlands specialist and identified on the subject property by customary survey markers and shall be delineated on the plan. Wetlands areas shall be tabulated on the plan in acres.
- C. No portions of wetlands areas shall be subdivided, filled, developed, or cleared of vegetation unless granted permission to fill and/or eliminate the wetlands area under state and/or federal permit, including nationwide permits authorized by the United States Army Corps of Engineers; they shall remain as essentially undisturbed natural areas.
- D. No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited. Notwithstanding all of the foregoing, limited cuts into the surface area of this twenty five-foot setback area in conjunction with the placement of outfall stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

Section 3.

Article VIII-Miscellaneous Provisions, 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers is hereby amended by adding the following:

§ 230-45.3 Water Bodies, Streams and Other Watercourses; Riparian Buffers.

- A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.
- B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than:
 - (1) Twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream,

or tidal marsh; or

(2) Fifty feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

C. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed under redevelopment conditions in previously disturbed or removed riparian buffers nearer than:

(1) Ten feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Ten feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

D. For projects located within a promulgated total maximum daily load basin, the preservation or reestablishment of riparian buffers facilitating the reduction of nutrients and other pollutants to the level necessary to ensure compliance with promulgated load reductions shall be required. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved or planted to the limits as provided above under paragraphs B. or C. respectively.

Section 4. Dates.

Planning Commission Review and Public Hearing: May 12, 2015

City Council Introduction: June 8, 2015

City Council Public Hearing: June 22, 2015

Motion carried with no one opposed.

Appendix B-Electric Tariff--Rules and Regulations Adoption/Ordinance 2015-10

Mr. Medlarz recalled spending a great deal of time discussing this at a previous meeting. He has contacted a number of business customers and industries to assure them this does not involve a rate increase and instead deals with the realignment of our rules and regulations.

This also adds a new residential rate tier equivalent to the small commercial rate and specifically kilowatts above 2,500. Some of the changes he discussed with several landlords, including a deposit on electric accounts which intent is to slow down the ever increasing unpaid delinquent accounts. The balance of unpaid accounts continues to escalate and Mr. Medlarz hopes this deposit will deter customers from walking away owing the city money.

The city manager also pointed out that all classifications will now fall under the disconnect policy, regardless of whether it is a residential, customer or industrial customer. Council agreed at the workshop this should apply across the board.

When asked if council had questions, Mr. Pikus expressed concern about how this new tier in the residential classification could impact some of our residents. He asked how much electricity a resident would use before they are moved up to the next tier. Mr. Medlarz said over 2,500 kilowatt hours which is a substantial amount for a residential customer. Mr. Pikus expressed concern about how much that would increase that resident's bill and asked for a dollar amount. Mr. Medlarz said that would depend on how much they use. If they only use a few more kilowatt hours it would be very minor. An additional 2,500 kilowatt hours would increase their bill by another \$10.

Mr. Morrow asked the city manager how many residential accounts this would affect. Mr. Medlarz said potentially thirty to forty accounts. Mr. Grier feels that is very few accounts considering the number of customers we have. He said it will most likely only impact very large homes. Mr. Medlarz agreed this would affect a larger home where more than 2,500 kilowatts is used. He pointed out that is a good number of kilowatts compared to an average home in Milford.

No other questions were asked of council.

Mayor Shupe opened the floor to the public to comment on this matter; no one responded. The mayor closed the public comment segment.

Mr. Grier moved to adopt Ordinance 2015-10 which amends the City of Milford Electric Tariff/Rules and Regulations, seconded by Mr. Burk:

Whereas, the City Manager, together with the Customer Service and Electric Department representatives, have recommended an amendment to the City of Milford Code, Appendix B Electric Tariff--Rules and Regulations; and

Whereas, the City Manager has submitted the amended code to City Council for consideration and approval; and

Whereas, the City Council of the City of Milford is in agreement there is a need to update the City Electric Rules and Regulations in order to maintain high standards.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford, Appendix B, Electric Tariff--Rules and Regulations, that establishes Electric Standards and Rates for the City of Milford.

Section 2.

Appendix B, Electric Tariff--Rules and Regulations, of the City of Milford Code is hereby repealed and a new Appendix B established by inserting the following in lieu thereof:

Section 3.

Appendix B is hereby entitled Electric Rules and Regulations.

Section 4.

Appendix B hereby contains the following Sections, Classifications and Appendices:

Section 1 - General Conditions

Section 2 - Definitions

Section 3 - Application and Contract for Service

Section 4 - Customer Advance Usage Fees and Deposits

Section 5 - Payment Terms

Section 6 - Administration of Service Classification

Section 7 - Customer's Installation

Section 8 - Secondary Services and Transformer Installations

Section 9 - Meter Installations

Section 10 - Adjustment of Charges

Section 11 - Continuity of Service by City

Section 12 - Customer's Use of Service

Section 13 - Defects in Customer's Installation

Section 14 - Access to Premises

Section 15 - Tampering with City's Property

Section 16 - City's Right to Discontinue Service

Section 17 - Discontinuance of Service by Customer

Section 18 - Primary Extensions

Section 19 - Purchase Power Cost Adjustment (PPCA)

Section 20 - General Cost Adjustment

Section 21 - Delaware Public Utility Tax

Section 22 - Green/Renewable Energy Fund Program

Section 23 - Aggregation of Retail Customer Demand Response

Section 24 - Fee Schedule

Service Classifications

Appendix 1 - Fee Schedule

Appendix 2 - Worksheets

Appendix 3 - VGRE Application

Section 5.

Dates.

Adoption 06-22-2015

Effective 07-02-2015

Motion carried with no one opposed.

*Amending 2008 City of Milford Comprehensive Plan/Masten and Mow Change of Zone
Adoption/Ordinance 2015-11*

Mr. Medlarz explained that he had started this process just before Mr. Pierce was hired. Since that time, they have taken the matter through the PLUS process and the planning commission process.

He referenced two parcels located on Lakeview Avenue that are improved with medical offices. They are currently zoned residential but the "legal nonconforming" use has existed for decades. They are located directly across from the LD Caulk manufacturing facility. The ordinance will amend the future land use map in our comp plan by changing the zone from the current R-1 to OB-1, ultimately bringing the parcels into compliance with the City Zoning Code.

This request was reviewed at the Office of State Planning May PLUS meeting. The City received approval from OSPC on June 19, 2015.

The planning commission recommended approval at its meeting on Tuesday, June 16, 2015.

Mr. Brooks recalled when he met with former City Manager Carmean and Dr. Mow more than a year ago. He is pleased this is finally being addressed.

Mayor Shupe opened the floor to the public to comment on this matter. No one responded and the mayor closed the public comment segment.

Mr. Pikus moved to adopt Ordinance 2015-11, amending the 2008 Comprehensive Plan Future Land Use Maps, seconded by Ms. Wilson:

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 - Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan update, on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a Comprehensive Plan Amendment, on July 27, 2015, to amend the Southeast Master Plan, and

WHEREAS, the Comprehensive Plan requires an amendment to the Future Land Use Map (map 14) in order to bring parcels into compliance with the Code of the City of Milford, Chapter 230: Zoning; and

WHEREAS, the City of Milford City Manager and Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning an amendment to the 2008 Comprehensive Plan which will permit the future land use designation as Employment; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advised public hearing on the amendment of the 2008 Comprehensive Plan on June 22, 2015 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on June 22, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 22nd day of July 2015.

Effective Date: July 2, 2015

Motion carried with no one opposed.

Change of Zone - POSTPONED
Dr. Edwin M. Mow - Adoption/Ordinance 2015-08

Change of Zone - POSTPONED
Masten Medical LLC - Adoption/Ordinance 2015-09

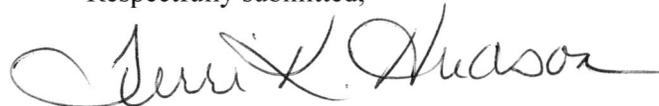
City Manager Medlarz explained that the two postponed ordinances relate to the previous ordinance which allows the change of zone at both properties.

City Solicitor Rutt informed council that state law is very clear that when an application for a change of zone is submitted, the applicant must be present, a public hearing held and a record made of the proceedings. At the planning commission meeting, neither applicant was present though it appeared to have been the result of some miscommunication.

Mr. Rutt informed the planning commission they were unable to act on application. A public record is required which involves the applicant. That is the reason the solicitor had them postpone both applications.

With no further business, Mayor Shupe adjourned the Public Hearings at 7:15 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

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PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Hans Medlarz, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:15 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

RECOGNITION

Proclamation 2015-17/Milford Community Band/25th Anniversary (Previously Presented)

Mayor Shupe reported that he presented this proclamation to the Community Band at their celebration concert on June 14th:

Whereas, in November 1989, Milford High School Band Director Gerald Thompson suggested that N. Joe Lear start a community band;

Whereas, realizing this was a great idea, Mr. Lear published an invitation in the Milford Chronicle which resulted in numerous responses;

Whereas, in mid-February 1990, sixteen people, ranging in age from their early-twenties to mid-sixties, attended the first rehearsal held in the choir room at Avenue United Methodist Church;

Whereas, on April 10, 1990, the Milford Adult Community Band played their first public performance at the Wesley College Jazz Festival;

Whereas, they renamed themselves the Milford Community Band when younger musicians, including middle school, high school and college students, became members;

Whereas, in 2005, Milford Community Band became a tenant of the Milford Kiwanis Club and when the club disbanded, the building became their permanent home when it was purchased by the band in 2008;

Whereas, the Milford Community Band has performed in Wilmington, Dover, Dover Air Force Base, Greenwood, Lewes, Bethany Beach and Rehoboth Beach and most impressively in Washington DC at the Presidents Park, Lincoln Memorial, Washington Capitol, Armed Forces Retirement Home, Union Station and the World War II Memorial;

Whereas, the Milford Community Band has several small ensembles including the Smooth Sound Dance Band, Downtown Dixieland Band, Happy Wanderers Oompah Band, Christmas Carol Band, Mid-Del Sax Quartet, and the Kettle Jammers;

Whereas, the Milford Community Band, has served the City of Milford by performing at numerous community events and taking the initiative to prepare special concerts solely for the enjoyment of the Milford public since formed in 1990;

Whereas, the band is a volunteer organization composed of selfless, dedicated and talented musicians whose collaborative efforts provide enjoyment and promote pride through the tradition of band music;

Whereas, original members Margie Newnom, Bill Mayhew, Tony Perrone and N. Joe Lear personify the volunteer spirit of the Milford Community having each contributed twenty-five years of service.

Now, Therefore, Be it Resolved, in recognition of your commitment to enrich the quality of life of our residents, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby recognize, acknowledge, commend and applaud the MILFORD COMMUNITY BAND on the occasion of their 25th Anniversary as they celebrate with a concert at Milford High School Auditorium on this 14th day of June 2015, and further proclaim July 14 to July 15, 2015 as Milford Community Band Days in the City of Milford.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Milford, in the State of Delaware to be affixed this Eighth day of June in the Year of our Lord Two Thousand and Fifteen.

s/Mayor Bryan Shupe

EXECUTIVE SESSION

Mr. Burk moved to go into Executive Session reference below reasons, seconded by Mr. Grier:

Executive Session-Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Milford Police SRO Agreement & Employee Issue)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:19 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

RETURN TO OPEN SESSION

City Council returned to Open Session at 7:31 p.m.

Milford Police SRO Agreement

Mr. Grier moved to postpone action on the SRO agreement, seconded by Ms. Wilson. Motion carried.

COMMUNICATIONS

Included in packet.

UNFINISHED BUSINESS

Adoption/Resolution 2015-07/DFIT Membership/Reappointing Representatives

Mayor Shupe reported that this resolution was adopted at the previous council meeting, but due to recent changes in our staff, the trust representatives from the city are being changed.

Mr. Burk moved to adopt the following resolution, seconded by Mr. Starling:

DELEA FOUNDERS INSURANCE TRUST RESOLUTION TO JOIN TRUST
THIS RESOLUTION SUPERSEDES RESOLUTION 2015-06 ADOPTED 06-08-2015

WHEREAS, a number of local units have joined together to form the DeLea Founders Insurance Fund ("TRUST"), a joint insurance fund, as permitted by 18 Del.C. §401, et seq.; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the City of Milford ("LOCAL UNIT") has determined that membership in the TRUST is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the TRUST effective July 1, 2015; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for at least seven (7) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Milford does hereby agree to join the DeLea Founders Insurance Fund subject only to the right of approval of the LOCAL UNIT's initial assessment when the same is received from the TRUST following processing of the applications; and

BE IT FURTHER RESOLVED that the LOCAL UNIT is applying to the FUND for Workers' Compensation coverage;

BE IT FURTHER RESOLVED that Human Resource Manager Lisa Carmean is hereby appointed as the LOCAL UNIT's Trust Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT;

BE IT FURTHER RESOLVED that Payroll Administrator Donna Pyne is hereby appointed as the Alternate Trust Commissioner for the LOCAL UNIT;

AND BE IT FURTHER RESOLVED that the LOCAL UNIT's Trust Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the TRUST as required by the TRUST'S Bylaws and to deliver same to the Administrator of the TRUST with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the TRUST following approval of the TRUST by the Delaware Department of Insurance.

s/Mayor Bryan Shupe

Motion carried.

NEW BUSINESS

Introduction/Ordinance 2015-06/Amending 2008 Comprehensive Plan/SE Master Plan

City Manager Medlarz introduced the following ordinance adding this will allow the land use change for the Bayhealth Employment Center:

BY ORDINANCE THE SOUTHEAST MASTER PLAN
INCLUDED IN THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership,

of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted via Ordinance 2011-15 a Comprehensive Plan update on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the Southeast Master Plan requires revisions to account for physical changes and potential development in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford City Manager has prepared and consulted with the Office of State Planning an amendment of the Southeast Master Plan to articulate an amended the overall vision for the Southeast Planning neighborhood's future; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the Southeast Master Plan amendment on June 16, 2015 and did recommend approval and adoption of the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the amendment of the Southeast Milford Master Plan included in the 2008 Comprehensive Plan on July 27, 2015 at which time the amendment of the Southeast Master Plan included in the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended Southeast Master Plan included in the 2008 Comprehensive Plan is hereby adopted on July 27, 2015 and made effective as the Southeast Master Plan included in the Comprehensive Plan for Milford on this 6th day of August 2015.

Planning and Economic Activities Coordinator Rob Pierce reported this is a proposed amendment to the Southeast Neighborhood Master Plan, Future Land Use and Text. This amendment changes specific parcels west of Route 1 from commercial and residential future land use to employment center future land use. This allows the construction of the new medical campus.

In addition, the approved and recorded Wickersham Subdivision can be changed from residential low density to residential high density. Wickersham is a townhouse community to be built with approximately five dwelling units per acre. A portion of the parcel north of Wickersham has changed from commercial to residential high density as well. This area will most likely need to gain access through the Wickersham Development. Therefore, a residential land use is more compatible.

The text of the plan will also change the definition of residential high density. The previous definition had limited this land use category for only two subdivisions. Wickersham is the third subdivision so the definition will be changed to remove the limitation and specific number.

This request was reviewed by the Office of State Planning Coordination during their February PLUS meeting. Approval was received on April 23, 2015.

The City Planning Commission recommended approval on June 16, 2015.

Mr. Mergner asked if this allows the change to townhouses in this area; Mr. Medlarz answered yes though that was already an approved subdivision even though our future land use did not reflect that. Changes are being made to the master plan that will align with what council already approved.

Requests for Multi-Day Park Rentals/Potential P&R Code Amendment
21st Annual Take it to the Street Event-July 17-19, 2015
Community/Church Open Tent Revival-Aug 11-13, 2015

Mayor Shupe advised these two multiple day event requests were received by Parks and Recreation. The Annual Take it

to the Street Event is a recurring event in the Banneker School area for twenty plus years.

The second request is for an Open Tent Revival at Memorial Park that begins on Friday and ends on Sunday.

The current parks and recreation ordinance is silent when it comes to multi-day events so the City Manager recommended the matter be brought before city council for some direction.

Mr. Starling expressed some concern about why the Take it to the Street event has to come before council considering it has been a community event for many years.

He feels its benefits the city and in particular the children in this community. He said this is an excellent program that gives the children something constructive to do in the summer. These are the type events that take them away from negative situations they could otherwise become involved in.

Mr. Starling encourages these type activities and if they are not permitted, we have the potential to see a lot more problems.

Mr. Pikus confirmed this is an annual event; Mr. Starling said for more than twenty years. Mr. Pikus asked why there is a problem all of a sudden.

City Manager Medlarz explained the authorization to use these parks only addresses one day events. He explained that Mr. Dennehy asked him for some guidance. Mr. Medlarz informed him the ordinance states the parks and recreation director only has the authority to approve a one day event.

Mr. Medlarz confirmed that he spoke with Mr. Dennehy. Mr. Medlarz said Mr. Dennehy was unaware of the Banneker event. They discussed only the tent revival event and not the Banneker event. The city clerk advised that she had received e-mails from the parks and recreation staff requesting council review. That decision was based on Mr. Medlarz' recommendation on the tent revival event.

City Solicitor Rutt advised that the problem is the length of time for which an event can be approved and multi-day events are not addressed in the ordinance. The issue is whether to amend the parks and recreation rental rules and regulations to permit multi-day events.

Mr. Mergner agreed adding that no one is saying no to either event.

Mr. Medlarz reiterated that the question before council is whether council should approve multi-day events or give that authority to the parks and recreation director.

Ms. Wilson asked council to first address the Take it to the Street event sponsored by Jonathan Dukes and his ministry. She explained this is an outreach program that is geared toward building a bridge between the community and the church. This has occurred for over twenty years and there should be no problem.

Mayor Shupe agrees and added that council only needs to decide whether multi-day events should come before this body for approval or does council want to give parks and recreation the authority to approve.

Mr. Brooks said if they have had this event on multiple days in the past, there should not be a question. It should be allowed.

The City Manager explained that the parks and recreation director brought the tent revival to him and asked if it can be approved. Mr. Medlarz reviewed the ordinance which only permits one day events. He told him it needs to be brought before council to either get the authorization for any multi-day event or authorize him to approve them.

Ms. Wilson pointed out that in the past, multiple-day events were approved without council approval. In her opinion, as long as the parks and recreation director is comfortable with the event, she would give him that authority.

Mr. Medlarz said council can grant the authority to parks and recreation to approve multiple day events. They can even put a cap on it because we do not want to have someone in our parks for two weeks.

Solicitor Rutt said that Sussex County had a similar problem with multi-day events. County Council allowed the planning director to grant permits up to three days. Anything beyond that has to be approved by the county council. He agrees with Mr. Medlarz that a reasonable cap should be added.

Mr. Grier moved to allow the parks and recreation director to approve multiple day events, up to three days; and anything over three days must be authorized by city council, seconded by Mr. Starling. Motion carried.

Mr. Medlarz announced that Mr. Dennehy can work with the applicant tomorrow on the approval.

Ms. Starling and Ms. Wilson both agreed that Mr. Dennehy should handle these applications.

*City Manager FY 2015-2016 Budget Message
City of Milford FY 2015-2016 Budget (Proposed)*

City Manager presented the FY 2015-2016 budget totaling \$42,950,520. It is a slight increase over last year though it is balanced with the electric fund transfer. He then reviewed the following report:

Honorable Mayor and Honorable Members of City Council:

I am pleased to present you with the Fiscal Year 2015-2016 Budget for the City of Milford. This budget covers the General Fund and various Enterprise Funds for the time period of July 1, 2015 through June 30, 2016 totaling \$42,950,520.

The general fund is balanced with a \$2,500,000 transfer from the Electric Fund in accordance with the Memorandum between the City and the Governors Office. In addition, \$500,000 is transferred from Realty Transfer Tax Funds for public safety purposes. This constitutes the seventh year of Realty Transfer Tax Fund transfers exceeding collection during the previous fiscal year continuing the structural deficit spending in the City's General Fund.

This document serves a number of purposes for the City. First, the budget provides the citizens of Milford with information regarding the operations of the City government and details on how public funds will be utilized throughout the community. Second, the annual budget is used as a managerial tool by the City Manager and the City's department heads. The annual spending plan not only services as a monitoring tool of revenues and expenses for the various departments, but also as a means of evaluation to ensure public resources are used in the most effective and efficient manner.

BUDGET OVERVIEW

The FY 2015-16 budget constitutes an increase of \$1,593,545 or 3.85% over the previous year. It is important to recognize a significant amount of this increase is a result of projected cost increases for purchased power. The property tax rate remains unchanged at \$0.46 per \$100.00 of assessed value. The individual budget increases/decrease for each fund are as follows:

	<u>Increase Over FY14-15</u>	<u>% Increase</u>
General Fund	\$252,850	2.94%
Water Fund	\$1,180	9.76%
Sewer Fund	(\$343,360)	(7.89%)
Sanitation Fund	\$23,310	2.14%
Electric Fund	\$1,402,815	5.69%

**Water & Sewer rates will remain at their current levels for all rate classifications.*

***Solid waste rates will be increased by \$0.50 per account per months for the Fiscal Year 2015-2016 and are projected to increase by the same amount for the following two (2) fiscal years.*

****Electric rates will remain at their current levels for all commercial rate classes. A new rate tier was introduced for the residential rate class charging customers the same rate as small commercial accounts for usage over 2500 kWh per month.*

The budget includes no new positions for FY 2015-16; however, a small number of funded vacancies exist throughout the departments as depicted on the organizational charts presented during the budget meetings. The FY 2015-16 budget includes an overall 2% pay increase for all employees off the respective position's midpoint. The City has a collective bargaining agreement with sworn police officers up to and including the rank of Sergeant which expired June 30, 2014. The City continues the renewal process through the Teamsters Union representing employees of the Police Department covered under the Collective Bargaining Agreement. No funds have been budgeted to cover any monetary obligation beyond the above mentioned 2% pay increase.

The budget also reflects an approximate 17% increase in health insurance premiums. We were able to partially offset this fiscal impact by switching liability insurance carriers and joining the DELEA Founders Insurance Trust for the City's worker's compensation coverage providing a trust backed self-insurance arrangement.

SUMMARY

As you are aware, the City is not immune from the economic conditions affecting all facets out of its operations. It is and will continue to be extremely important that the City continue to adhere to sound financial policies and practices. The current fiscal condition of the City is strong; however, personnel decisions with long reaching consequences need to be carefully evaluated in order to maintain the City's fiscal strength.

I would like to extend my appreciation to each of you as elected officials and all department heads for their efforts in the preparation of this document. Specifically, I would like to express a thank you for the efforts of the Chairman of the Finance Committee and the Finance Director who were instrumental in the development of the budget.

Mr. Pikus moved for approval of the FY 2015-2016 Budget as is being presented tonight, seconded by Mr. Morrow. Motion carried with Mr. Brooks abstaining from approving the police department budget though he approves all other departments.

Adoption/Resolution 2015-07/City of Milford FY 2015-2016 Budget & Five-Year Capital Budget

Mr. Pikus moved to adopt Resolution 2015-07, seconded by Mr. Grier:

ADOPTING THE CITY OF MILFORD FISCAL YEAR 2015-2016 BUDGET & CAPITAL PROGRAM

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2015-2016 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget after the Finance Committee made a comprehensive study and review during meetings on June 9, 2015 and June 10, 2015; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Tax Assessment, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department was adopted and approved as the budget of the City of Milford for Fiscal Year 2015-2016 in the following amounts:

Operations and Maintenance - \$39,054,600

Debt Service - \$1,898,105
Capital Program - \$1,997,815
Total Expenditures - \$42,950,520

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 22nd day of June 2015.

Motion carried.

June 2015 City Manager's Supplemental Report

Mr. Medlarz stated that in light of the fact that city council accepted his resignation and his last day will be June 30th, he has prepared a fairly detailed 'state of the city address' that addresses the various issues over the past few months and his recommended contacts after his departure. He said these are only recommendations and council has the authority to allow other staff members handle them.

The City Manager will be meeting with these employees over the next several days to review these items.

*Continue vetting potential commercial projects with educational and/or community functions for funding through USDA, Rural Economic Development Loan and Grant (REDLG) funding.

Lead Contacts: Mayor and City Planner

Mr. Medlarz said that the mayor and he have been trying to evaluate potential commercial projects for this funding. Four potential candidates have been evaluated though none have been successful at this point. The city is eligible because we are an electric utility and have ongoing USDA agreements.

Mayor Shupe said he looks forward to working with the Economic Development Committee to try and bring in more businesses. He feels this is a great program the city can take advantage of with the help of Economic Development Chairman Grier and Economic Development Coordinator Rob Pierce.

*Move overall five-year comprehensive plan update forward towards re-certification by the Governor's Office.

Lead Contact: City Planner

*Guide six (6) parcels through a 2008 Comprehensive Plan, Future Land Use Map Amendment beginning with the State PLUS and subsequently the city ordinance process for the rezoning.

Lead Contacts: City Planner & City Clerk

Mr. Medlarz recalled several map amendments that are currently making their way through the State of Delaware process. However, the overall Comprehensive Plan is a separate matter. This is addressing the inconsistencies in the maps and zonings and should have been addressed two years ago. Mr. Pierce has been working with the City Clerk to get these matters scheduled.

*Continue the four-way public works agreement effort for the southeast sewer utility expansion.

Lead Contacts: City Engineer (DBF) & City Planner

Mr. Medlarz has passed this information onto our solicitor and provided a template used by Kent County for public works agreements. He has a meeting Thursday to get input from the four parties to ensure everything is falling into place.

*Implement individual utility agreements with Bayhealth for the southeast extension of electric and water distribution to the health campus.

Lead Contacts: Electric Superintendent, City Engineer (DBF) & City Planner

The City Manager explained this is a bilateral issue directly associated with Bayhealth and involves electric extension to

the campus. Electric Superintendent Rick Carmean and he have been working on this extension. DBF and the City Planner have also been involved.

*Conclude the lot line adjustment and the Board of Adjustment process prior to the potential land sale/exchange with First State Manufacturing.

Lead Contacts: Interim City Manager and City Planner

The City Planner provided Dave Hitchens with the steps that are needed to make this legal. Currently they want to create a non-conforming parcel which will eventually end up before council. In the meantime, the City Planner can work on this with the assistance of the City Solicitor.

*Settle outstanding legal issues with regards to the Watergate subdivision and the adjoining party and their respective legal counsels.

Lead Contacts: City Solicitor, interim City Manager & City Planner

Mr. Medlarz has checked again with the Watergate attorney and it appears they are close to reaching a conclusion.

*Revise Watergate subdivision lot and alley layout to accommodate rerouted sewer force main.

Lead Contacts: City Engineer (DBF) & City Planner

The rerouting of the utility created a change in the lot layout as well as several alleys that have to be moved. This is a project that the City Engineer and City Planner need to continue working on.

*Continue discussions with the owners of the RiverWalk Villas with regards to development of a potential public private partnership.

Lead Contacts: Interim City Manager, P&R Director and City Planner

Mr. Medlarz and City Solicitor Rutt had several discussions with the owner of the RiverWalk Villas with regard to a partnership. This will continue to be pursued and needs the support of the parks and recreation department.

*Conclude the request for proposal process for a central phone system. Met with three potential vendors (VoiceNet Communications, Inc., Martel, Inc. and UnderCom, Inc.) and discussed the basic scope and solicited unique, City specific solution proposals. Team can conclude the evaluation and present a recommendation to Council for review and approval.

Lead Contacts: Interim City Manager, City Clerk & Electric Superintendent (technical evaluation)

Superintendent Rick Carmean and the City Manager have met with all three potential phone vendors and each was asked to submit proposals which would be evaluated with a recommendation made to council.

If council has no intention of implementing a central phone system, the three vendors should be informed because of the time they have invested.

*Continue exploring advanced metering infrastructure (AMI) for automated, two-way communication between smart utility meters with IP addresses and the City Electric Department expanded SCADA. The goal of an AMI is to provide real-time data about power consumption and allow customers to make informed choices about energy usage. We were pursuing AMI options through DEMEC or American Municipal

Lead Contacts: Interim City Manager & Electric Superintendent

Electric Superintendent Carmean and the City Manager attended several AMI presentations with DEMEC through American Municipal Power to determine how to tie into Milford's system. This can be pursued through DEMEC or American Municipal Power.

Mr. Medlarz explained this is the next generation of metering and would provide a lot of opportunities to guide the city's electric grid.

Develop BayHealth campus power back-up component via a jointly funded power generation project between BayHealth and the city or alternatively three-way agreement with DEMEC is possible.

Lead Contacts: Electric Superintendent, City Planner & City Engineer (Electrical)

The City Manager said this provides the city a huge opportunity to control its production behind the meter (within the DEMEC territory). He encouraged council to proceed with this adding that BayHealth remains very interested. The Electric Superintendent and City Electrical Engineer in North Carolina must stay on top of this issue.

*Set up better inspection procedures for future CDBG projects in the City of Milford.

Lead Contacts: City Planner & City Building Inspector

Mr. Medlarz, along with Ms. Wilson and Mr. Starling, feel the city needs to be much more involved in the CDBG projects. We need to be more vigilant and play a much bigger role in the process.

*Conclude negotiations with DelDOT regarding City of Milford directional gateway signs. Some progress has been made in working with Central District. The sign could be installed in the ROW and the dimensions and placement of that sign would have to follow the MUTCD and be approved by DelDOT Traffic Division. The Traffic Engineer has not been contacted. However, I believe a sign can be approved in conjunction with smaller trailblazer signs guiding people to the Riverwalk as long as it falls within the standards for attraction signs.

Lead Contacts: City Planner & Interim City Manager

The City Manager stated that he has worked behind the scenes with his contact at DelDOT. He has kept the mayor updated on this project and feels the city will have new directional gateway signs. He said the process is very difficult because we are dealing with an interwoven, responsible agency.

Mr. Medlarz believes that it will be going to the Traffic Engineer. He has briefed the Traffic Engineer and had some assistance from the Central District Engineer.

He said the city also has the opportunity to get some trail blazer signs that will guide people to the riverwalk as long as it falls within the guidelines of DelDOT. In addition to the gateway signs which would state 'next exit-Riverwalk/Historic Downtown' we would also have trail blazers for even more guidance.

*Set up requests for proposal for Customer Service Center ATM once PNC's exclusive service period expires.

Lead Contacts: Interim City Manager & Customer Service Manager

The 90-day deadline for PNC will expire in late July. Mr. Medlarz has been approached by one banker with very solid interest and one other that expressed interest. The customer service manager and interim manager will keep this project moving forward and the result will be an ATM in the downtown area.

*Administer Fisher Avenue Pump Station Repair approach utilizing Council approved Kent County on-call approach and previously issued purchase orders.

Lead Contacts: General Public Works Superintendent & City Planner

Mr. Medlarz wishes he had this project further along. He recalled council when council approved the Kent County on-call contract. The new pumps should be arriving in approximately two months. It is not something immediate though we need to be ready to have them installed when they arrive.

*Amend City of Milford Personnel Policy Code Chapter 55 updating the travel section and adding a training section.

Lead Contacts: Interim City Manager, City Clerk & HR Manager

This is a reminder that the entire Personnel Ordinance needs to be updated. He pointed out that nothing has been done since 1992.

*Develop lease agreement including pricing model with Broad Valley Broadband for city dark fiber.

Lead Contacts: City Solicitor, interim City Manager & Electric Superintendent

Superintendent Rick Carmean and he have discussed dark fiber with Broad Valley Broadband. This is releasing dark fiber and new ground for the city. However, it is a great opportunity for the city and needs to be pursued.

*Amend the Washington tower lease agreement with AT&T or accept lease purchase offer in the amount of \$161,600.00.

Lead Contacts: City Solicitor & interim City Manager

This lease needs to be wrapped up. He has it up to \$161,600 after some negotiating. He will brief City Solicitor Rutt on the progress and recommend where the city should go.

*Conclude the borrowing from the Community Cemetery Trust Fund administered by PNC-Trust Section for design and construction of the cemetery roadway expansion.

Lead Contacts: Interim City Manager & P&R Director

The city manager said we want to expand beyond our initial plans and the cemetery board is aware of it. He has been in touch with the PNC trust department who requested additional information. That was provided and he is relatively hopeful they will give the city the go-ahead to borrow the money.

He hopes to have an answer by the July 8th cemetery meeting. Mr. Dennehy will handle this for the city.

*Form an alliance with the Partnership for the Delaware Estuary, a nonprofit organization in protecting and enhancing the Mispillion River section around Goat Island included in the FY 15-16 Budget.

Lead Contacts: Interim City Manager, P&R Director and City Planner

He recommends Mr. Dennehy work on this and Mr. Pierce will assist.

*Conclude the DelDOT Community Transportation funding requests for the combined Airport Road/Cemetery Expansion project including transfers from the completed N. Washington Street Project. (FY 15/16 phase covers west bound lane from WalMart entrance to Bowman Road).

Lead Contacts: Interim City Manager & City Engineer (DBF)

According to Mr. Medlarz, the budget document includes a \$275,000 estimate for improvements to the west bound lane between the WalMart entrance and Bowman Road.

On July 1st, the Interim City Manager needs to contact our legislators to request funding for the Airport Road project. Council will need to determine how to pay the balance of the funding. He expects the state wage rate perimeters may also change which could affect this. Council will need to decide if it is worth using legislative monies or other funding sources.

*Conclude the Hearthstone Manor value engineering process and recordation of the remaining phases.

Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

Mr. Medlarz recalled council approving the value engineering which has been very successful. They have found a number of savings which will result in long-term savings for the city because we will not have to maintain nearly as much infrastructure.

There is also an immediate savings to Mr. Fannin and Hearthstone Manor. Mr. Fannin informed Mr. Medlarz this morning that he would have an answer in the very near future if these are accepted.

He expects council will see the remaining phases and recordation as a result.

*Require the owner/developer of West Shores at Milford to construct the sanitary sewer gravity interceptor through

Hearthstone to the northern gravity connection point per easement agreement dated January 28, 2013. If the owner/developer is unable to perform the work, city council may vote to include this Work in the S.E. Sewer Area construction project scope and reclaim the construction costs, plus admin and interest, by imposing an Aid-In-Construction (AIC) fee on each lot in West Shores.

Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

The City Manager said this has been lingering for many years. The approved easement agreement actually had the construction of the sanitary work through the Hearthstone portion. This should have been started and because it has not, we are behind schedule. He recommends we proceed as soon as possible per the executed agreement.

*Initiate safety improvements to the existing swale system in Hearthstone Manor at the individual driveway crossings in the form of expanded shoulders.

Lead Contacts: Interim City Manager, City Planner & City Engineer (DBF)

Mr. Medlarz noted there are still swale issues in Hearthstone which he advised Hearthstone Representative Kevin Harding. Mr. Harding said he would look into it and get back with the city. He said there are some safety issues at the driveways that the Engineer and Planner will continue working on with the developer.

*Develop a City of Milford Water (water/sewer) Asset Management Program with the help of a \$160,000 grant approved by the State's Water Infrastructure Advisory Council on June 17th.

Lead Contacts: General Public Works Superintendent & City Planner

The asset management grant was approved to assist with the management of our infrastructure. The Public Works Superintendent and Planner would be the most logical ones to work on this. It gives relief to the water, wastewater and electric funds in terms of immediate purchases.

*Develop lease agreement with Verizon for the S.E. Milford Water tower.

Lead Contacts: Interim City Manager & City Engineer (DBF)

The City Manager met with Verizon representatives last Friday. He expects this to occur though in the meantime a few small change orders were needed to accommodate the wiring on the new tower.

A new agreement should be forthcoming which will set the city up for the next twenty to thirty years.

Sprint is still talking with the city though they are somewhat more reluctant.

Mr. Medlarz recommends council appoint Electric Superintendent Rick Carmean as the primary DEMEC board member due his technical expertise and long-standing attendance of DEMEC board meetings and training functions. He currently serves as the alternate director. The future City Manager can function as the alternate appointee.

He also recommends City Planner Rob Pierce be appointed the City of Milford member to the Metropolitan Planning Organization's Technical Advisory Committee. Mr. Pierce should also be appointed as the City of Milford member to the Kent County Sewer Advisory Board.

Mr. Medlarz said these appointments will have to be made to prevent having a void.

He said he forgot to add the use of the armory and thanked Ms. Wilson and Mr. Starling for reminding him. He said if we do not start using the armory, some of the opportunities may slip away.

He concluded by referenced the easement settlement issue and the collective bargaining item that were not on the list because they are executive session matters.

Mr. Medlarz thanked council for giving him the time to update them.

Mayor Shupe stated for that record, although Mr. Medlarz was officially with the City of Milford as City Manager for a short period of time, his engineering experience, his work with Davis, Bowen and Friedel and Kent County has placed our city on a much more stable foundation for the future. As a city manager, he was able to move forward many credible and needed infrastructure projects which were vital to supporting our residents, businesses and for preparing for future growth.

He said it was an honor to work alongside Mr. Medlarz and learn from him during that time. The mayor wished him the best in his future endeavors.

The mayor then reported that the City of Milford will hold an open process to seek a candidate to fill the City Manager's position. They will start the search process immediately.

Appointment/Interim City Manager

Mr. Pikus said that though he was councils' choice, he was informed today that our finance director was unable to take on the duties of Interim City Manager due to the fact that the auditors will be coming in, the outstanding bonding issue and the budget. Mr. Pikus was very disappointed when he heard this news.

Mr. Pikus then asked Richard Carmean if he would assist on a volunteer basis only. He asked if he would be willing to work with Mr. Portmann and city council on a temporary basis only. Mr. Pikus asked Mr. Carmean if he expected to be paid for his assistance and he agreed he would not.

Mr. Pikus said we have competent supervisors in all our departments and he feels they can do their job until we find a permanent City Manager.

Mr. Morrow asked if we are only talking about the next eight days; Mr. Pikus stated yes.

Mr. Brooks feels there is a need for a public works director to oversee those departments.

Ms. Wilson stated she is also disappointed and pointed out that the best candidate at this point is Mr. Portmann who is declining the position. She cannot agree to just filling the seat to have someone there.

Mayor Shupe feels council really needs to work together on this. They gave Mr. Medlarz two weeks and based on the number of projects he was working on, he asks that council reconsider that time line. He has no problem if Mr. Carmean is available by phone if we have a question. However, he would prefer to have someone here on a daily basis.

Mr. Morrow is uncomfortable extending any time lines.

Council agreed to pursue further conversations with Mr. Portmann.

Mr. Medlarz agrees and asked that council give them an opportunity to talk with him. He can then come back on Monday with a workable solution.

Mr. Morrow feels the most important item right now is to start the search and get that moving.

Mr. Brooks recommends that a notice be prepared announcing the vacancy. Mayor Shupe agreed that can be published through the City Manager's Association. In the meantime, we will contact some professional firms to get proposals to do a city manager search.

Mr. Mergner is concerned with the outstanding projects and the short time Mr. Medlarz has left with the city. He is unsure how we can possibly backfill his position considering the number of projects that he has started. He is concerned how this can be accomplished before June 30th.

A special council meeting was then scheduled for Monday, June 29, 2015.

Mayor Shupe asked the City Solicitor if a selection committee is appointed for the City Manager, does FOIA apply and are the number of council members restricted as a result; Mr. Rutt said that would be considered personnel and not a contract because they would not be discussing an individual's contract.

The solicitor asked if this committee will decide what council is looking for or will the committee actually handle the interviews and make recommendations back to council; he then asked the scope of the committee. Mr. Grier recommends the committee filter the applications down to a select few; that select few would then come before council.

Mr. Rutt said if there is a special committee is appointed to talk about the firm or the qualifications council is looking for, that would not fall under FOIA. But when it comes down to specific candidates, a meeting would need to be posted, after which council would go into executive session. That would be subject to FOIA.

The solicitor then asked council if they feel that having an interim manager is necessary for the public peace, health and safety of the community; Mayor Shupe said yes. Mr. Rutt said if that is the case, an emergency meeting could be held without the seven days advance notice.

Council asked that the City Clerk get back with them with a date.

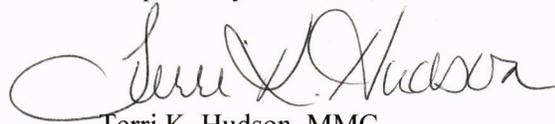
Mayor Shupe said that by the next council meeting, they will provide the name of the interim manager and how the selection process will be handled so that we can move forward.

ADJOURN

With no further business, Mr. Grier moved to adjourn the Council Meeting, seconded by Mr. Pikus. Motion carried.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 22, 2015

The City Council of the City of Milford met in Workshop Session on Monday, June 22, 2015 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier III, S. Allen Pikus, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Hans Medlarz, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe convened the Workshop Session of Council at 8:44 p.m.

*City of Milford Code Chapter 55, Personnel Policy, Amendment and Addition of Training Approval
Article VIII. Employee Conduct, Disciplinary Action and Grievance Procedure
Paragraph 875 Travel on Official City Business
New Paragraph 895 Training Approval
Kent County Training Policy/Review*

City Manager Medlarz announced that he and the city clerk have worked on this matter together.

He referenced the current city policy which was adopted in 1992:

875 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever you are authorized to travel out of town on official business, the City will allocate you a \$40 per diem rate for travel expenses incurred during the trip. In addition, if your trip expenses exceed \$40, then you will be reimbursed the extra money upon presentation of receipts involving prior approved travel.

Use of personal vehicles will entail compensation at established rates. If more than one individual is involved, the City encourages the sharing of vehicles to conserve fuel and City funds. If a City vehicle can be used, this is preferred over the use of private vehicles for in-state travel.

Mr. Medlarz said a lot has happened since then and it needs updating. He stated whoever sits in the city manager's seat has to go by this and he probably made some errors going by this because he could not see how we were trying to use this. There is nothing in regard to training approval and only six lines on official business travel.

He asked Ms. Hudson to obtain a copy of the Kent County Policy 6- Expenses and Reimbursement policy though he has no allegiance to what the document says (copy was included in the packet). Mr. Medlarz said he lived by the document for the past thirteen years.

He also referred to Section 2-16 of the Kent County Personnel Policy Manual entitled Staff Development and Training which states as follows:

This Policy establishes a procedure for the review and approval of courses, seminars, classes, workshops, or conferences utilized for staff development and training purposes.

- A. *County staff members are encouraged to participate in staff development/training opportunities or courses, such as seminars, workshops, conferences, and related activities, in order to enhance their knowledge and improve performance to better serve the citizens of Kent County.*
- B. *Whenever a staff member determines that a particular staff development/training opportunity will be beneficial to the employee and County, a request shall be submitted to the department head for review and consideration for approval. Department head, legal staff, and appointed advisory board, committee or commission member requests must be reviewed for approval by the County Administrator, and, in his or her absence, the Personnel Director, for participation in any training conference/opportunity.*
- C. *Department heads or the County Administrator may approve participation in staff development programs if the training course(s) will improve the employee's knowledge or ability to perform his or her duties and if adequate funds have been budgeted for the proposed course(s).*
- D. *Department heads or the County Administrator may require any or all employees to participate in specified staff development/training programs whenever the employee's performance will be enhanced, to achieve certification or mandated training, for continuing education purposes, or to meet risk management obligations.*
- E. *Upon return from an approved training course(s), the staff member shall submit a report to the approving authority outlining the name of the course(s), date(s) attended, and personal/professional knowledge gained from attendance.*

Mr. Medlarz strongly recommends that the city adopt something similar which will benefit both the city and its employees.

The city manager then read portions of the policy.

He recommends Section 875 of the Milford Personnel Policy needs revising; council agreed.

Mr. Burk asked how this is handled currently and whether the request is handled through a form, e-mail request or something similar. Mr. Medlarz said there is nothing required in writing.

Mr. Morrow recommends that Ms. Hudson obtain copies of policies from other towns. Mr. Medlarz agreed that can be done.

Mr. Grier asked why the Human Resources person is not handling this; Mr. Mergner agreed they should be reviewing this with other towns and proposing some options.

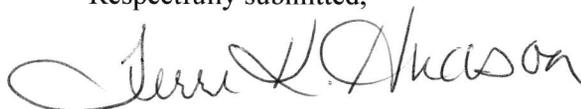
Mr. Burk said there are established procedures all over the internet in addition to other towns.

Mr. Medlarz prefers that Sussex County and New Castle Counties be considered. He added that perhaps the City of Dover could be contacted as well.

Mr. Medlarz said he will inform the HR Manager Lisa Carmean and she can report back to council with each county's policy.

With no further business, the Council Workshop concluded at 8:53 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder