

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 24, 2015

The City Council of the City of Milford met in Workshop Session on Monday, August 24, 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, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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 7:01 p.m.

Downtown Milford, Incorporated Quarterly Report/Executive Director Lee Nelson

Mayor Shupe recognized DMI Executive Director Nelson to give a report to city council.

Mr. Nelson explained the bulk of what he is presenting for council review is the six-month activity report in order to continue communications with city council and keeping them informed of what DMI is doing.

He then reviewed the following report:

Activity Highlights
January 1 to June 30, 2015

A very active first six months in our 30-block downtown area. Our volunteer driven focus on quality of life, economic development and historic preservation in downtown Milford is highlighted by:

Volunteer hours and investment value

Our 200+ dedicated volunteers contributed 3,724 hours or 14% more than the same period in 2014 (3,258 hours) focusing on downtown Milford only.

Volunteer investment value for the six months: \$85,649 (per Delaware Economic Development Office). This is the dollar and community involvement value of DMI's contribution to improving downtown Milford.

Improve quality of life in downtown Milford

We hosted 7 special events which successfully attracted approximately 10,700 visitors/guests to our downtown area and continued to improve and diversify our local quality of life. These were:

** March - 5th St. Patricks Day Toasting the Town (March 14) and 3rd and final unveiling of the "Augusta" public art event (March 22)*

** April - 13th Bug Bud Festival (April 25) and 2nd Flowers and Feathers BBQ (April 4)*

** May - 1st Historic Preservation Group's 'Roaring 20's' Party (May 16) and 5th 'Milford In Bloom' planting (May 17)*

**June - 1st Brewgrass Festival (June 14)*

DMI and downtown businesses

20th Riverwalk Farmers Market - Opened May 3. In first 10 weeks (out of 24 weeks), we had 3,608 visitors to 29 local vendors selling \$62,492 in diversified produce and products. If this run rate continues, we project 46% visitor growth, 56% vendors increase and 54% increased sales by vendors over 2014. Guests visit local businesses while downtown for their market shopping.

Supported DEDO funded one on one marketing coaching by business consultant Marge Johnson with Patty Cakes, Milford Antiques & Friends and Irish Rose.

DMI looking forward in 2015

Diversity Project: DEDO/AmeriCorps/National Main Street/DMI partnership. AmeriCorps VISTA Noa Kornbluh arrived June 22 for 1 year assignment. Will create, guide and implement partnerships and business development with downtown minority owned businesses and existing organizations. Of our total population, 33% are minorities. More work is needed to include them in an attempt to work together with all residents in downtown Milford.

Ms. Korbluh completed a survey of all businesses to determine their wants and needs. She is also holding a series of meetings with minorities from the community and DMI volunteers. They have also extended invitations to meet with various organizations downtown like the Mispillion Art League, Second Street Players and the Milford Senior Center. They hope to get everyone together to accomplish some great things though right now they are in the organizational stage.

3rd Project Pop-Ups. DEDO/DMI partnership. Three properties have applied to participate in this very successful local business development program though only two businesses applied. Both were in one location and DEDO is now in the process of finalizing a choice though at least one business will be participating in the project pop us program beginning in October.

Five upcoming events:

3rd Eat in the Street (Sept 20)

Farmers Market - Fall Market (Nov 21)

2nd Shop Small Saturday (Nov 28)

Santa Claus House (Nov 28-Dec 20)

Holiday Stroll (Dec 4)

Conclusion

Productive and successful first six months of 2015 in DMI's continuing efforts to make Milford a great place to live, work, play and shop. We are Milford.

Mr. Nelson thanked council stating that he will be back in another three to four months to give the next report. Mayor Shupe thanked DMI for the outstanding service they provide to the city.

Solid Waste Ordinance/Yard Waste Fee Amendment

Councilman Mergner reported that this matter was brought to Councilman Grier and his attention by a resident who was unhappy with the recent changes related to yard waste containers. He referred to the first letter included in the packet though a second letter was also submitted.

Mr. Mergner clarified that the resident is unhappy about paying a monthly fee for a second container and has asked that they bring it before council to discuss and decide if it is fair to our residents.

When asked for more details, Mr. Mergner explained that the resident initially paid \$60 for the extra yard waste container. When the ordinance was amended in March 2015, a \$12 per month fee was charged to customers with a second container. It was confirmed that he was refunded the \$60 he initially paid.

Mr. Mergner pointed out that our residents are now paying an extra \$144 per year for a second container. It was confirmed that the second container is being used on a regular basis.

Mr. Brooks said that he personally could use a second container six months of the year though it would not be needed the other six months.

Mr. Mergner said that the resident's argument is that the city crews are already at the house picking up the one container so picking up a second container should not be a problem. Mr. Mergner asked for councils' opinion.

It was confirmed that presently there are 15 people with a second container; initially that number was higher though most customers agreed to take care of their extra yard waste by disposing of it themselves.

Ms. Wilson agreed that a second container is typically needed for about half the year. She received a complaint from one of her constituents who had a lot of branches and tree limbs sticking out of the container. Because of that, the trash crews left the container without removing the tree debris. Ms. Wilson tried to defend it by stating that the branches need to be broken to fit in the can though she even had a hard time explaining it. She felt that as long as it is in the can, they should be able to pick it up.

Mayor Shupe said to be fair to the city employees, that is what they were told to do more than a year ago.

Ms. Wilson recalled that conversation though she still has concerns. She explained this is a senior citizen who put the container out twice and the debris was not taken either time.

Mr. Grier asked if a customer can have a second container six months of the year and turn it in when it is not needed. It can then be reissued in early spring. He understands that would involve a lot of picking up and delivering and asked if that has an associated fee.

Mr. Morrow feels that providing the second container free would cause all customers to request one. Mr. Mergner agreed though the resident's argument is he paid the \$60 and the city has since refunded that amount. The customer had asked to be grandfathered in because he paid the \$60; he felt it was unfair that he was impacted by the March amendment. He pointed out to Mr. Mergner that \$12 a month is much more than the one-time \$60 paid. Therefore, he is requesting that anyone that paid the \$60 be grandfathered in and not impacted by the ordinance.

It was confirmed that Blessings on Draper Road in Milford, as well as the transfer station accept yard waste from the public.

Mayor Shupe informed council that customers are presently paying \$24 for solid waste, recycling and yard waste services. There is an extra fee for a second container for trash as well.

Council asked that the city clerk research the associated cost of yard waste disposal. Mr. Morrow then asked that we obtain the city's cost of yard waste, trash and recycling.

Mr. Mergner said he does not recall why it was changed to a monthly fee versus a container fee. The question he has is what are the additional costs involved in picking up a second container that fourteen or so customers have. He does not believe the cost can be that much more to pick up two containers versus one.

Mr. Mergner's second question is why the change was made and can we consider having those customers who paid the \$60

container fee grandfather in. Ms. Wilson confirmed this only involves fourteen customers. Mr. Mergner said that is correct based on the information that he received. When the fee was implemented, there were 29 customers with a second container and that has been reduced to fourteen customers.

— Ms. Hudson pointed out that most customers opted to take care of their additional yard waste themselves which is why there are less customers who are being charged the additional fee.

Mr. Burk pointed out that there are different sized yard waste containers. He said he has a large container and has seen some rather small containers and wonders if there is a different fee based on the size of the container.

Ms. Wilson agrees we need to look at this though she is uncomfortable grandfathering any customer when it comes to an increase in any fee.

Mayor Shupe informed council there is a \$20 fee for a second solid waste container. He feels the principal behind the additional fee is that those customers who need the additional fee obviously have more waste and there is an associated cost.

Mr. Brooks pointed out that for \$24, a customer receives all three services; solid waste and recycling are picked up twice. He said that in this case, the customer is basically having his yard waste picked up twice and is paying \$12 for the two pickups.

Mr. Burk pointed out that if you compare prices outside Milford, the city charges very reasonable fees. He feels we need to consider the associated costs with the transfer station before a decision is made.

Mr. Brooks said he uses the yard waste service all the time and feel that he gets his money worth.

— Mayor Shupe said the issue before council is whether to grandfather those customers who initially paid for a second container. Mr. Grier does not believe we should consider grandfathering them though he feels we need to look a little deeper into the cost of the additional container/yard waste.

Mr. Burk asked that if we decide to grandfather customers, how far back do we go; Mr. Grier agrees that every time something is changed, our residents will want to be grandfathered.

Mr. Brooks recalled when we received complaints about the \$60 deposit though that was better than the \$12 fee per month.

Mr. Mergner believes that the former city manager indicated there was a cost associated with disposing yard waste and because the city has grown exponentially, he was trying to find ways to make up for the costs. He understands that if a customer uses more than normal, they should be paying more.

Mayor Shupe asked that council be provided with the numbers so they understand the cost per customer. He feels it is appropriate to review our ordinances and costs from time to time and asked that this information be provided to council.

Review/Training & Travel Policy (Postponed)

Mayor Shupe reported that this matter has been postponed for further consideration.

Adjourn

The Workshop Session concluded at 7:25 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
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A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 24, 2015.

PRESIDING: Mayor Bryan Shupe

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

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 7:25 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

5k Event/Assistance

Councilman Morrow recognized Milford Police Department for the manner in which they handled the recent Run the Goat 5k. He estimates there were more than 500 people that participated and the police had a lot of streets and intersections to cover.

Mr. Mergner pointed out that one of the officers directing traffic looked like Chief Hudson and he did a phenomenal job.

Mayor Shupe reported that the 5k benefitted the Milford Boys and Girls Club and he is on their Board of Directors. He agrees it was a great event and really highlighted Downtown Milford. He agrees that people really enjoyed the Milford Police officers who were smiling and interacting with our residents and the participants.

Back to School Event

Councilwoman Wilson invited council to join her neighborhood on Saturday, August 29th for her neighborhood's 3rd Annual Back to School Block Party. It will take place on Truitt Avenue Extended from Noon until 4:00 p.m. She said they have a lot of sponsors this year. Milford Police Department will be participating and Mayor Shupe will be making an appearance.

She noted that everything they give out, including backpacks and school supplies, are free to the children.

Ms. Wilson encouraged council to send any children their way on Saturday.

Special Election-September 1st

Councilman Burk reminded everyone that we have two important special elections scheduled next Tuesday. He noted that we are filling a vacancy on city council as well as approving the city borrowing money to make improvements to our sewer system. He encouraged council to make calls within their wards to inform people how important the referendum is in addition to the council vacancy.

COMMUNICATIONS

Mayor Shupe then reported that he received a letter today from 2nd Ward Council Candidate Deborah O'Neill that stated as follows:

Dear Mayor Shupe:

Due to unexpected family reasons, I need to withdraw my candidacy for the Ward II position of Milford City Council. Unfortunately I am no longer able to run for this office and request that you and Milford City Council withdraw my name from consideration.

I would like to thank you, city council and all my supporters for considering me for this position. I will continue to support the Milford Community as I have done for many years.

Thank you again for this opportunity.

*Sincerely,
Deborah O'Neill*

He hopes everything is ok and wishes her well.

UNFINISHED BUSINESS

Monthly Finance Report-June 2015

Mr. Morrow reported that through the final month of Fiscal Year 2014-2015 with 100% of the fiscal year having passed, the city ended on a positive note with 101.24% of revenues having been received and 97.89% of the operating budget expended.

Mr. Brooks asked why only 98% of real estate taxes have been received. Mr. Morrow will follow up with Mr. Portmann and bring back an answer to city council.

Mr. Burk moved to accept the March finance report, seconded by Mr. Grier. Motion carried

Adoption/Ordinance 2015-15/Chapter 88-Building Construction/Fees

Planning Coordinator Rob Pierce advised that this is a simple ordinance amendment and changes the language in the International Residential Code (IRC), Chapter 88, Fee Schedule from "A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council" to "Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office."

The same language applies to the International Building Code (IBC), Chapter 88, Fee Schedule.

The planning coordinator is recommending these fees be handled in the same manner as planning, zoning and engineering fees are handled. Mr. Pierce recalled when the ordinance was introduced August 10, 2015.

Mr. Brooks moved to adopt Ordinance 2015-15, seconded by Ms. Wilson:

WHEREAS, the City of Milford has adopted a Building Construction Code whose current standards reference the International Residential Code and the International Building Code; and

WHEREAS, said code proposes that a fee for each plan examination, building permit and inspection be fixed by City Council from time to time; and

WHEREAS, the purpose of the fees are to defray the municipal costs of administering the code.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

—

Section 1.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-2(A)(3)(a) Section R108 Fees.

Section 2.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by deleting and repealing §88-4(A)(4)(a) Section 108 Fees.

Section 3.

Article I-International Residential Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 4.

Article II-International Building Code-Chapter 88-Building Construction, of the Code of the City of Milford, is hereby amended by inserting the following language:

Fee schedule. Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

Section 5. Dates.

Introduction: August 10, 2015

Adoption: August 24, 2015

Effective: September 3, 2015

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Motion carried.

Adoption/Resolution 2015-19/Building Permit Fees

Mr. Pierce explained this is the follow up resolution to Ordinance 2015-15. The purpose is to establish building permit fees by adoption of resolution of city council. There are no fee increases in the proposed fee schedule and many have been in effect since 2008. The only new item is a permit and fee for solar panel installations due to the physical improvements required.

Ms. Wilson moved to adopt Resolution 2015-19, seconded by Mr. Starling:

SECTION 88-2 AND SECTION 88-4 OF THE CITY OF MILFORD BUILDING CONSTRUCTION CODE CHAPTER 88 DOES NOT ESTABLISH A METHOD FOR CITY COUNCIL TO ESTABLISH BUILDING PERMIT FEES; ORDINANCE 2015-19 AUTHORIZES CITY COUNCIL, THROUGH RESOLUTION, TO ESTABLISH BUILDING PERMIT FEES.

WHEREAS, the City of Milford strives to provide excellent service to the community at all times and believes fiscal responsibility is a means for promoting community health and well-being; and

WHEREAS, City Council is aware that certain fees and charges must periodically be reviewed and amended to offset any increased costs of operations; and

—

WHEREAS, the City of Milford Building Inspections Department has a need to update its building permit fee schedule from time to time; and

WHEREAS, to support this effort, building permit fees shall be set in a resolution adopted by City Council.

NOW, THEREFORE, BE IT RESOLVED, that on August 24, 2015, by majority vote of City Council, the following City of Milford Building Permit Fee Schedule is hereby adopted with an effective of September 3, 2015:

Residential Building Permits

Addition, Garage, Deck, Ramp, Exterior Stairway, Interior/Exterior Renovation: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project
New Dwelling Unit: \$50.00 per 100 heated square feet plus \$13.00 per 100 unheated square feet

Commercial Building Permits

New Construction, Footer/Foundation Fit Out, Interior/Exterior Renovation, Addition, Ramp, Sign, Sales/Construction Trailer: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project

Miscellaneous Building Permits

Demolition, Roof/Siding: \$10.00
Pool, Shed, Solar Panels: \$10.00 base plus \$5.00 per \$1,000 up to \$1M and \$2.00 per \$1,000 over \$1M based on cost of project
Renewal of any Permit: \$50.00 or 10% of permit fee, whichever is greater

Motion carried.

Appointment/City Charter Review Committee

Mayor Shupe recalled discussing this several times and at the last meeting, there were a few council members absent. He noted that Councilman Burk and Councilman Brooks have offered to serve on the committee though he needs representation from Ward I and Ward IV. Councilman Starling and Councilman Mergner then agreed to represent their respective wards.

The mayor said that City Clerk Terri Hudson will contact council members to set up day and time suitable for all committee members.

Mr. Morrow moved to appoint the following members to the City Charter Review Committee, seconded by Ms. Wilson:

Ward I-Councilman Mergner
Ward II-Councilman Burk
Ward III-Councilman Brooks
Ward IV-Councilman Starling

Motion carried.

Adoption/Resolution 2015-20/Authorizing DNREC Wastewater Asset Management Grant

Planning Coordinator Rob Pierce recalled discussing this at the last meeting. He reported that on May 15, 2015, the City of Milford submitted a non-matching grant application to the State of Delaware, Department of Natural Resources and Environmental Control for a Wastewater Asset Management Incentive Program. The application was reviewed by the Delaware Water Infrastructure Advisory Council and approved for \$70,000 in grant funding on June 17, 2015.

The city will be required to complete an Asset Management Plan by October 1, 2017 based on the EPA Framework for Asset Management which is centered on five core principles; (1) current state of assets, (2) level of service, (3) critical assets, (4) minimum life cycle cost & (5) long term funding plan.

A draft agreement was presented at the August 10th meeting describing the city's obligations. It describes the deliverables, milestones and associated project costs.

This was approved at the last meeting though an official resolution is required by DNREC.

Mr. Brooks moved to adopt Resolution 2015-20, seconded by Mr. Grier:

— WASTEWATER ASSET MANAGEMENT INCENTIVE PROGRAM GRANT

WHEREAS, The Mayor and Council of the City of Milford have made application for a non-matching grant through the State of Delaware Department of Natural Resources and Environmental Control (DNREC) Environmental Finance on May 15, 2015; and

WHEREAS, the Water Infrastructure Advisory Council (WIAC) reviewed said application and recommended funding approval; and

WHEREAS, the State of Delaware DNREC has made an offer to the City of Milford in the amount of \$70,000 to implement a Wastewater Asset Management Plan, for which the implementation requirements are set forth in the program guidelines and application.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Milford accept the terms and conditions set forth in the offer from the State of Delaware Department of Natural Resources and Environmental Control for the Wastewater Asset Management Incentive Program in the amount of \$70,000.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of August 2015.

Motion carried.

— *Adoption/Resolution 2015-21/Authorizing DHSS Drinking Water Asset Management Grant*

Mr. Pierce explained this is the same concept though it was submitted to the State of Delaware, Department of Health and Social Services for a \$90,000 drinking water asset management grant. It was reviewed and approved by the state with the same time line and same obligations.

Mr. Grier moved to adopt Resolution 2015-21, seconded by Mr. Mergner:

DRINKING WATER ASSET MANAGEMENT INCENTIVE PROGRAM GRANT

WHEREAS, The Mayor and Council of the City of Milford have made application for a non-matching grant through the State of Delaware Department of Health and Social Services (DHSS) on May 15, 2015; and

WHEREAS, the Water Infrastructure Advisory Council (WIAC) reviewed said application and recommended funding approval; and

WHEREAS, the State of Delaware DHSS has made an offer to the City of Milford in the amount of \$90,000 to implement a Drinking Water Asset Management Plan, for which the implementation requirements are set forth in the program guidelines and application.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Milford accept the terms and conditions set forth in the offer from the State of Delaware DHSS for the Drinking Water Asset Management Incentive Program in the amount of \$90,000.

— IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of August 2015.

Motion carried.

Streets Crew Leader/Job Description

— Mayor Shupe recalled this item was listed on the street department monthly report submitted at the August 10th council meeting. Mr. Brooks had asked for more details about the position adding that he was unfamiliar with it. It was noted that the last person that held this position was Pat Maloney who is no longer with the city and the reason the position is open.

The mayor then provided a summary review of the position:

GENERAL RESPONSIBILITIES

Performs skilled and technical work in the installation, maintenance, repair and construction of municipal streets.

ESSENTIAL DUTIES

(These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

Complete projects efficiently according to work plans and orders.

Inspect street and utility construction, street, ditch and ground maintenance, repair, installation and construction sites. Assist workers on jobs; keep records and make detailed reports. Respond to complaints from the public. Work scheduled on call duties and respond to emergency situations. Performs related work as required.

KNOWLEDGE, SKILLS AND ABILITIES

— General knowledge of the practices of street construction, repairs and/or maintenance; thorough knowledge of the occupational hazards and safety precautions of the work; ability to plan and supervise the work of semi-skilled or unskilled workers on a small scale; ability to establish effective working relationships with others.

NEW BUSINESS

Milford Parade Committee/Use of City Property

Mayor Shupe reported that the city has an ongoing agreement with the parade committee to allow three reviewing stands and the use of some city properties. They are asking to use the armory property this year and the customer service parking lot.

Mr. Morrow moved to approve three reviewing stands which can be located on any three of the five properties permitted for their use, seconded by Mr. Grier. Motion carried.

Authorize/Submission Surface Water Matching Planning Grant

Planning Coordinator Pierce advised the city has completed a DNREC Surface Water Matching Planning Grant application that must be submitted by August 26, 2015. The application focuses on a planning study to investigate and provide preliminary design for the use of living shoreline techniques to stabilize portions of the Mispillion River and provide natural water quality treatment through the implementation of constructed wetlands, vegetative buffers and other innovative techniques along a 1,500 foot stretch of river bank.

— The grant would also investigate the feasibility of removing the existing causeway to Goat Island. The Parks and Recreation Department currently has \$30,000 budgeted as a capital item for removing the causeway. That funding can be used as a match for the planning grant. They are requesting approval for an additional \$20,000 to maximize the matching planning grant application request of \$100,000.

He spoke with Mr. Portmann who recommended the funds be transferred from the General Fund Reserves that currently contains approximately \$900,000.

Our intent is to enter into a partnership with the Partnership for the Delaware Estuary, which has done similar projects throughout the Delaware River Watershed. It is anticipated the construction portion of the results from the planning grant would be funded through future loan/grant programs with the State of Delaware, budgeted city funds and potential private donations.

The area being considered is in front of the proposed Riverwalk Villas area which is presently a mudflat at low tide. They are also looking at a portion of the outer meander where the causeway is located behind the Fisher Avenue pump station. The end result is a nice vegetative living shoreline which has multiple benefits including nutrient uptake and elimination of sediment in the river while promoting habitat use.

Mr. Pierce provided the following statement from the Partnership for the Delaware Estuary which was included in the application. "The Mispillion is a tributary to the Delaware Bay and a subwatershed of the Delaware Estuary, an estuary of national significance in the National Estuary Program. If implemented, the results of this planning project will advance implementation of the Comprehensive Conservation and Management Plan for the Delaware Estuary by protecting shorelines, restoring wetlands, using best management practices to improve water quality and promoting ecotourism and hands-on educational activities."

Mr. Mergner asked if this involves long-term maintenance. Mr. Pierce explained the living shoreline may need periodic maintenance though the study will determine to what degree. The conceptual plan will analyze water velocities along this stretch of shoreline to determine if additional measures would be required to secure the vegetation and avoid washout.

Mr. Grier confirmed that this \$20,000 of the \$100,000 is specifically for the study; Mr. Pierce explained that by pairing the causeway removal with the living shoreline project and teaming with the Delaware Estuary group opens up potential grants of up to \$250,000 through the State of Delaware where only a 20% match would be required.

Mr. Mergner confirmed that if the study is completed, the city still needs to pay for the project; Mr. Pierce stated that is correct. Mr. Mergner asked the anticipated cost of the actual project noting that once the study is completed, we need to move forward with the actual project.

Mr. Pierce said the planning study will determine the project cost. Mr. Pierce explained that there are different shoreline types that could be utilized with a range of associated costs. He said it can be done for \$100 a foot, which is on the low end. As a result, the cost to do a 1,500 foot area would be \$150,000.

Mr. Brooks recalled that match money has been needed to do the Riverwalk during the different phases. Mr. Pierce advised there is a Community Water Quality Improvement Grant program offered through DNREC with funding up to \$250,000, though funding could be slightly less next year. If the City had a 20% match of the \$150,000 needed for implementation, the application would receive more points giving us a greater chance of being awarded the money.

He said we could consider getting local businesses to assist financially; the proposed educational placards placed along the riverwalk and trails could then provide the opportunity for advertisement of corporate logos.

Mr. Burk recalled a conversation where it was agreed not to remove the causeway until any construction was completed because of the need for vehicle access. Mr. Pierce explained the planning grant will last through the end of 2016. He hopes that Parks and Recreation Director Brad Dennehy will finish his gazebo prior to that time. The overlooks should also be completed before this work would begin.

Mr. Mergner asked if this will help the overall look of the area noting there is an obvious stench most of the time; Mr. Pierce feels it will look better and it has been proven to clean the water so there is an environmental benefit. However, he does not think it will do much for the odor though it may eliminate some of the low tide bacteria that can be smelled.

Mr. Pierce explained the transfer of \$20,000 from the general fund would be added to the matching offer, but he intended to submit the application with or without the additional funds. He said we have an opportunity for the matching grant and the opportunity to work with the Partnership for the Delaware Estuary who has experience with similar projects, and who is very excited about the opportunity to do work along the Mispillion River in Milford.

Mr. Grier asked if the study will come back with recommendations and a cost estimate. Mr. Pierce said it should provide a cost estimate. Mr. Grier asked if it will include engineering; Mr. Pierce said they will need to analyze all the environmental factors before the causeway can be dug out though it may be determined it is not financially feasible.

Overall, the city will spend \$50,000 to get a living shoreline designed and a feasibility study for the removal of the causeway.

Mr. Morrow moved to approve the submission of the Surface Water Matching Planning Grant to DNREC, adding that he hopes this will further improve the greenway areas, seconded by Mr. Burk. Motion carried.

FY 2015-2016 Budget Adjustment/Parks & Recreation Capital Increase

Mayor Shupe stated this is related to the Surface Water Matching Planning Grant which has been approved. Now there is a need to approve the budget adjustment and transfer of the funds.

Mr. Burk moved to approve an increase of \$20,000 from \$30,000 to \$50,000 in the Parks and Recreation Capital budget to be used as a match for the Surface Water Matching Planning Grant previously approved, seconded by Mr. Morrow. Motion carried.

Introduction/Ordinance 2015-16/City of Milford Comprehensive Plan Amendment #3

Mayor Shupe introduced the following ordinance:

AMENDING AND ADOPTING BY ORDINANCE
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 02-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 Comprehensive Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-11, a Comprehensive Plan Amendment, on June 22, 2015, and

WHEREAS, the Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning a third amendment to the 2008 Comprehensive Plan which will permit the future land use designation of thirteen properties to alternate land use designations; 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 September 15, 2015 and did recommend approval and adoption of the third amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2008 Comprehensive Plan on October 26, 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 October 26, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 5th of November 2015.

Planning Commission Review & Public Hearing: September 15, 2015

City Council Introduction: August 24, 2015

City Council Review & Public Hearing: October 26, 2015

Adoption: October 26, 2015

SYNOPSIS: The comprehensive plan amendment include the following six properties:

1. Perdue Real Estate Holdings, Inc., N Rehoboth Blvd (MD-16-183.07-01-01.00; change of future land use designation from commercial to employment)
2. Crop Production Services f/k/a Amberwood subdivision, Holly Hill Rd (MD-16-182.07-01-01.00 through MD-16-182.07-01-99.00, MD-16-182.07-02-01.00 through MD-16-182.07-02-99.00, MD-16-182.07-03-01.00 through MD-16-182.07-03-23.00; change in future land use designation from moderate density residential to employment)
3. Corp Fellowship Realty, Chad Holleger, Elmer Fannin, James Cannon Jr, George & Darlene Freeman & White Oak Mobile Home Park, Wilkins Rd (3-30-15.00-053.00 through 3-30-15.00-057.00; change in future land use designation from low density residential to high density residential)
4. Charles Wilkerson, NE Front St (MD-16-183.08-01-04.00, MD-16-183.07-01-23.00; change in future land use designation from moderate density residential to employment)
5. Mispillion Realty, LLC, Old Shawnee Rd (1-30-3.00-080.02; change in future land use designation from low density residential to moderate density residential)
6. City of Milford-Armory, N Walnut St (MD-16-183.06-02-14.00; change in future land use designation from low density residential to employment)

Planning Coordinator Pierce advised that ordinance involves six amendments to the 2008 Comprehensive Plan Future Land Use Maps and one (1) amendment to the SE Master Plan Future Land Use Maps. These amendments involve land use applications already on file with the city or anticipated to be submitted upon approval of the amendments.

This request was reviewed at the Office of State Planning Coordination (OSPC) June PLUS meeting. The city received approval from OSPC on July 23, 2015.

These amendments are scheduled for a public hearing before the planning commission on September 15, 2015. The commission will then submit their recommendation to city council for their public hearing on October 26, 2015.

Mayor Shupe confirmed that this process will involve public hearings. Mr. Pierce answered yes, the first hearing will be before the planning commission.

A question was asked that because all the properties are included in one ordinance, if each property would be voted on individually. Mr. Rutt explained that the ordinance can be amended by eliminating certain parcels and a vote taken on that parcel.

It was then agreed the properties would be voted on individually.

When questioned about a mobile home park being annexed in the future, Mr. Pierce said the park already exists and if they were to have a septic issue and wanted to be annexed to receive a sewer service, this would not have to be taken back to state planning for another PLUS review. It will need to be zoned R3 for high density.

Mr. Brooks asked if it would have to be annexed in; Mr. Pierce said it was brought to his attention though he does not have

a formal application for annexation. He agreed the city could serve it with utilities without it being annexed.

Mr. Brooks recalled when mobile homes were prohibited in city limits; Mr. Pierce advised they are allowed in the R-3 zoning according to our zone.

Planning Commission Reappointments

Mayor Shupe reported that Section 57-2 of the City of Milford Code states that the planning commission consists of nine members to be appointed by council. The term of each member is three years.

There are currently three commissioners who terms expire the end of August.

Mr. Burk moved to reappoint Commissioners Marvin Sharp, William Lane and Andrew Fulton to the City of Milford Planning Commission for another three year term to expire on August 31, 2018, seconded by Mr. Grier. Motion carried.

Board of Adjustment Reappointment

Mayor Shupe then announced that Section 230-25 of the City of Milford Code references the board members' three year terms in 22 Del. Section 322(d). He noted that Board Member Frank Bason's term expires on August 31, 2015.

Mr. Brooks made a motion to reappoint Frank Bason to the Board of Adjustment for another three year term to expire on August 31, 2018, seconded by Mr. Starling. Motion carried.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:10 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 8:38 p.m.

Employee Matter

Mr. Grier moved to accept and approve the matter as discussed in Executive Session, seconded by Mr. Burk. Motion carried.

ADJOURN

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

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Teresa K. Hudson, MMC
City Clerk/Recorder