

MILFORD CITY COUNCIL

MINUTES OF MEETING

October 26, 2015

Milford City Council held a Public Hearing on Monday, October 26, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., and James Starling, Sr.

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 6:59 p.m.

Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2016

Adoption of Resolutions 2015-28; 2015-29; 2015-30; 2015-31; 2015-32

Mayor Shupe advised the City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, is holding a public hearing for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant Program.

Brad Whaley from Sussex County and Albert Biddle from Kent County were in attendance to present the information.

Mr. Whaley thanked the mayor and council for allowing them to hold this public hearing. He explained that their offices apply for and administer the Community Development Block Grant (CDBG) funding for towns and cities in Kent and Sussex Counties. This funding originates from HUD (Department of Housing and Urban Development) and the Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe and sanitary housing to low and moderate income persons. The funding has been used for mainly housing rehabilitation and demolition, small infrastructure projects, sewer and water connections, etc.

He advised that approximately \$2.2 million is available, on a competitive basis, for both Sussex and Kent Counties.

Mr. Whaley explained the Delaware State Housing Authority, thru their consolidated plan, lists the activities the funding can be used for. He emphasized it must benefit people with low to moderate income levels.

The current guidelines, established by HUD, are as follows:

	30% OF MEDIAN	Kent County		30% OF MEDIAN	Sussex County	
		LOW	MODERATE		LOW	MODERATE
1 Person	13,900	23,150	37,050	13,300	22,200	35,500
2 Person	15,930	26,450	42,350	15,000	25,350	40,550
3 Person	20,090	29,750	47,650	16,850	28,500	45,600
4 Person	24,250	33,050	52,900	18,700	31,650	50,650
5 Person	28,410	35,700	57,150	20,200	34,200	54,750
6 Person	32,570	38,350	61,400	21,700	36,750	58,800
7 Person	36,730	41,000	65,600	23,200	39,250	62,850
8 Person	40,890	43,650	69,850	24,700	41,800	66,900

Mr. Whaley informed council that a great deal of funding goes toward basic housing repairs, including roofs, doors, windows, plumbing, heating and electrical upgrades.

On the Sussex side over the past ten years, Milford has received more than \$378,000 for 28 households. Funding was last received in FY14.

Mr. Biddle reported that Kent County operates under the same guidelines though the income limits, established by HUD, are slightly higher.

He emphasized that housing rehabilitation has been the backbone of the Delaware State Housing Authority's funding and the majority of what Milford has benefitted from over the years. Infrastructure, demolition, sidewalks and similar projects have been completed.

Mr. Biddle noted there is a very small waiting list in Milford and asked council to encourage eligible homeowners to contact either county office for additional information. He reiterated that to qualify, the home must be owner-occupied and income eligible.

Mr. Whaley also explained the purpose of the public hearing is to allow residents and officials to provide recommendations on what they should apply for in the upcoming year. They understand that housing rehab is a big concern in all towns and the goal is to keep the housing stock stable.

When asked for questions or comments, no one responded.

Mayor Shupe felt that the challenge is to get the information out to our citizens so they understand the program. Once we receive that information, we will share it with our residents. Mr. Brooks suggested the information be published in all three newspapers.

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

Mayor Shupe thanked Mr. Whaley and Mr. Biddle for attending this evening.

Councilman Grier later moved to adopt the following five resolutions, seconded by Mr. Burk:

RESOLUTION 2015-28
Sussex County

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

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

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

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

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

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

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

APPLICATION: Rehabilitation/Infrastructure/Demolition

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

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 26th DAY OF OCTOBER 2015.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Council Members

Garrett Grier, III	Owen Brooks, Jr.
Christopher Mergner	Douglas Morrow
Lisa Ingram Peel	James Starling, Sr.
James Burk	Katrina Wilson

 Bryan W. Shupe
 Mayor

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

 Robin A. Griffith
 Clerk of the County Council

Resolution 2015-29
 CITIZEN PARTICIPATION
 CERTIFICATE OF ASSURANCE
 Sussex County

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

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on October 26, 2015 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

s/Mayor Bryan Shupe

RESOLUTION 2015-30
Requirement for Fair Housing
Sussex County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 26, 2015.

s/Mayor Bryan Shupe

RESOLUTION 2015-31
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Bryan W. Shupe, to submit the Fiscal Year 2016 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2016 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on October 26, 2015.

s/Mayor Bryan Shupe

RESOLUTION 2015-32
Requirement for Fair Housing
Kent County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 26, 2015.

s/Mayor Bryan Shupe

— Motion carried with no one opposed.

*City of Milford Comprehensive Plan Amendment
Adoption/Ordinance 2015-16*

City Planning Coordinator Rob Pierce reported these items were heard by the Planning Commission on September 15th and includes several clean up areas that need to be amended on future land use maps for current applications.

The first is a future land use map amendment for the Perdue site. He recalled a few months ago council adopted a zoning amendment for their site plan expansion. They consolidated four lots and in order to legally allow that, all lots are required to have the same zoning classification. As a result, the smaller parcel that butts up to NE Front Street will have to be changed from C-3 to I-1. The land use amendment would change the parcel from commercial to employment.

Mayor Shupe asked for public comments; no one responded.

Mr. Pierce then reported that the Amberwood Subdivision is a recorded subdivision on Holly Hill Road. The property is currently owned by Crop Production Services and all lots are unimproved. The owner would like to consolidate all parcels and change the zone from R-3 to I-2. To accomplish that, the city is requesting a change from moderate density residential to employment in future land use maps.

Mayor Shupe asked for public comments; no one responded.

— The planning coordinator advised the next item involves two parcels on NE Front Street off Wilkerson Terrace. They are currently designated moderate density residential in our comp plan; one is currently zoned I-1 and one is zoned R-2.

Mr. Wilkerson owns additional properties in the area that are zoned I-1. The intent is to bring all parcels into compliance and make them all uniform. The request is to change the two larger parcels from moderate density residential to employment. He will then follow thru with the change of zone application process.

Mayor Shupe asked for public comments; no one responded.

Mr. Pierce referenced two parcels adjacent to Brookstone Trace that were purchased by the developer of Brookstone Trace. The developer would like to incorporate these into the overall subdivision plan. In order to accomplish that, they will first have to be annexed.

The subdivision is currently designated moderate density residential and the area to be annexed is low density residential. A comp plan amendment is required to allow him to proceed with the annexation.

Mayor Shupe asked for public comments; no one responded.

The planner then reported that the Armory facility is currently zoned low density residential zoning. He reminded council the city is restricted on the armory's use and requires state approval for anything other than a public use.

— He stated that because this has already been through the PLUS process, changing its designation to employment will allow some type of office or educational use. When that occurs, the city would not have to go through another comp plan amendment process.

A use will be discussed later this evening even though there are current plans. His intent was to change the zoning from residential to something more appropriate for the facility.

Mayor Shupe asked for public comments; no one responded.

The next property is in our Southeast Master Plan and requires a future land use map amendment. The comp plan was revised to include area sites, but this block at the intersection of Elks Lodge and Wilkins Roads was omitted. This includes White Oak Mobile Home Park and a couple individual strip lots. He said because we do not allow mobile home parks in the R-1 or R-2 district, it will need to be changed to R-3.

When questioned, Mr. Pierce confirmed that mobile homes are permitted under the R-3 or R-8.

Mr. Pierce emphasized that this comp plan has already been through the PLUS process and the state agencies are in agreement with the amendments.

Mayor Shupe asked for public comments; no one responded. The floor was then closed to any further public comments.

Mr. Grier moved to approve the following comprehensive plan amendment, seconded by Mr. Burk:

Perdue Real Estate Holdings, Inc., N Rehoboth Boulevard (MD-16-183.07-01-01.00; change of future land use designation from commercial to employment)

Motion carried.

Mr. Burk moved to approve the following comprehensive plan amendment, seconded by Mr. Grier:

Crop Production Services f/k/a Amberwood Subdivision, Holly Hill Road (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)

Motion carried.

Mr. Grier moved to approve the following comprehensive plan amendment, seconded by Mr. Starling:

Charles Wilkerson, NE Front Street (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)

Motion carried.

Ms. Peel moved to approve the following comprehensive plan amendment, seconded by Mr. Mergner:

Misphillion Realty, LLC, Old Shawnee Road (1-30-3.00-080.02; change in future land use designation from low density residential to moderate density residential)

Motion carried.

Mr. Starling moved to approve the following comprehensive plan amendment, seconded by Mr. Mergner:

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)

Motion carried.

Mr. Grier moved to approve the following comprehensive plan amendment, seconded by Ms. Peel:

SE Master Plan/Corp Fellowship Realty, Chad Holleger, Elmer Fannin, James Cannon Jr, George & Darlene Freeman

& White Oak Mobile Home Park, Wilkins Road (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)

Motion carried.

With no further business, the Public Hearing was adjourned by Mayor Shupe at 7:13 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the printed name.

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 26, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 26, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., and James Starling, Sr.

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.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:16 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 8:05 p.m.

Potential Land Purchase

Mr. Grier moved to approve economic development funds be used to pay for the appraisal and the DBF proposal related to the potential land purchase discussed in executive session, seconded by Mr. Burk. Motion carried.

Land Sale/Swap

Ms. Peel moved to authorize the execution of the sales agreement and land exchange as discussed in executive session, seconded by Mr. Mergner. Motion carried.

Armory Lease

Mr. Grier moved to table this matter until further information is obtained, seconded by Mr. Mergner. Motion carried.

RECOGNITION

Proclamation 2015-24/Community Planning Month

Mayor Shupe referenced the following proclamation declaring October as National Community Planning Month:

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Milford, Delaware; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners in the State of Delaware and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2015 is hereby designated as Community Planning Month in the City of Milford, Delaware in conjunction with the celebration of National Community Planning Month.

COMMUNICATIONS

Mayor Shupe acknowledged the work of the Community Parade Committee this past Wednesday. He also wanted to thank the committee for providing his wife and him with a horse-drawn carriage for the parade.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS*Southeast Master Plan Amendment-Thawley and Mr. Wiggles Properties*

Planning Coordinator Pierce reported that involves a potential application for a future land use map amendment to the Southeast Master Plan.

He wants to give council some history of the southeast neighborhood considering some amendments have been addressed this year.

He advised that in 2005, a developer proposed a residential development east of Route 1 in Sussex County. The city became

concerned that if this subdivision was to be constructed, the city would be the provider of services without the benefit of a tax base to support those services. Therefore, Milford engaged in conversations with the developer, other property owners and the State Planning Office to explore the annexation of this area.

The state supported a comprehensive amendment that would allow for annexation and development in this area. However, the development would have to occur in accordance with a master plan that would have to be developed by the city and the state.

The comprehensive plan was amended in 2006 to include the area east of Route 1 as an annexation area, subject to the master plan. This allowed annexation of these properties to begin.

The master plan began in 2008 with the signing of a Memorandum of Agreement (MOA) between the city, State Planning, DeIDOT and the Department of Agriculture. Eventually DNREC, Delaware State Housing Authority and the Historic Preservation Office became partners in the master plan.

The goal of the master plan was to provide a predictable, shovel-ready development along with proactive preservation.

He referenced the exhibit (attached) that was adopted in the 2008 Comprehensive Plan pointing out the heavy uses and high density residential areas and highway/commercial areas planned. He referenced the proposed site of the hospital or Innovation Park at the time.

Mr. Pierce reported there was a lot of heavy development being planned in the southeast area which caused the state to be unhappy considering the area lacked infrastructure. Because of this problem, the city engaged in a complete rewrite of its comprehensive plan which resulted in an entirely new document being adopted in 2008-2009. During this rewrite, the city was broken out into several neighborhoods for planning purposes. The areas covered by the MOA were in the southeast neighborhood, though it also included some areas west of Route 1 which were considered the southeast neighborhood.

The MOA set forth the general conditions of the master plan, including the requirement that the city nor the state would provide any subdivision, site plan, development approval or permits for new development activities prior to the completion of the master plan, and then only in compliance with the master plan. That is the reason so much activity was needed for the hospital to locate in this area.

Three public workshops were held in the fall of 2009 and over 1,000 invitations mailed to those who lived or owned property in the southeast area. A preferred scenario was developed based on the University of Delaware modeling software, input from the three workshops and input from key stakeholders which included the school district, Kent and Sussex Counties, nearby towns, fire companies and EMS. As a result, the 2008 comprehensive plan was amended to include the southeast master plan in 2011.

He explained that things were scaled back as a result of the southeast master plan to provide one area of commercial, the employment center for the hospital and low density residential.

Mr. Pierce noted the 2008 comprehensive plan would have allowed for up to 15,000 new dwelling units and approximately 40,000 new residents. The master plan, which amended the comprehensive plan, would only yield approximately 12,000 new homes and 30,000 new residents.

Over the last few months, the southeast master plan has been amended. The site of the hospital was changed from commercial to employment. He believes Wickersham was included in the July amendment to bring that area into conformance by changing it to high density residential.

Tonight he is presenting a concept to modify the Thawley and Mr. Wiggles property east of Route 1 from low density to highway commercial.

He then reported that on October 2014 an application was received for a change of zone on parcel 56.00 from R-1 to C-3.

In order to accomplish this, the comprehensive plan needed to be changed. Upon receiving that application, it was forwarded to Davis, Bowen and Friedel (DBF) for review. They provided a letter to the applicant stating the plan was not consistent with the comprehensive plan.

During the same period of time, annexation request for parcels 70.00, 70.02, 70.05, 70.06, & 70.06 was received. They are currently low density residential in the county though the developer is asking it be annexed in with a C-3 (highway commercial) zoning. This will result in a total of nine acres of highway commercial area.

In November 2014, DBF provided comments back to the applicant stating the request was not consistent with the comp plan whose future land use plan designated the area as low density. The request went dormant for several months.

In late August, a letter was received from the applicant's attorney requesting the city take appropriate steps to amend the Southeast Neighborhood Master Plan.

Mr. Pierce said he is only asking council to give him a general idea of councils' wishes and whether or not to proceed with the PLUS process. He emphasized that tonight's recommendation is not a vote to approve the application and only allows him to take it to PLUS and the state planning office for their review. At that point, DeDOT, Department of Agriculture, DNREC and other state agencies will comment. Once the PLUS comments are received, the city will schedule planning commission and city council public hearings for approval, denial or tabling of the southeast master plan amendment.

Mr. Grier confirmed that Mr. Pierce's concept is to take this to PLUS before it goes to the planning commission. Mr. Pierce confirmed that after this meeting, he will file a southeast master plan amendment and request the matter be heard at the end of November. We should receive their comments the end of December and public hearings can be scheduled in January or February.

City Solicitor Rutt added that the planning commission did review this and recommended that council allow him to take the application to PLUS. Mr. Pierce pointed out that this will only allow us to determine what kind of comments we will receive back.

Mr. Grier asked if that was a unanimous decision of the planning commission. Mr. Pierce advised it was more of a discussion and no formal vote was taken.

Mr. Pierce stressed this is a significant change to Milford's master plan and they could see this in the near future for a vote. He recommended council really think about this because he wants them to be prepared to make an informed decision.

Mr. Burk confirmed that this will change east of Route 1 from low density to highway commercial.

Mr. Pierce said if council has any concerns or questions he is willing to address them in his staff report. In the meantime, we will receive comments back from the state.

Mr. Grier said it makes sense to have commercial right off the highway. Mr. Mergner is very concerned with the residential areas surrounding this site. The type of commercial could have a big impact on those residents, considering the size of the property and the scope of the commercial and impact on the residents. Traffic should be considered as well though council should learn more about that when the comments are received from the state.

He referenced the large residential neighborhood behind this property that will be substantially affected.

No motion was required.

Mr. Pierce reiterated the only intent of this discussion was to inform council this was going to the PLUS process.

Authorization/CTF Funding/Swap-Out/Representative Harvey Kenton/Cemetery Roads/General Fund Reserves

Approval of \$27,000 is needed for the cemetery road project to be funded through a legislative swap by Representative Kenton. The Interim City Manager is recommending we use general fund monies so a motion for a transfer of \$27,000 from general fund reserves is needed.

The representative will be reimbursing the city out of the legislative funds committed to the Airport Road rehabilitation project.

Mayor Shupe further explained that the city is moving forward with Airport Road repairs. As a result, we have requested financial assistance from our local legislators for this project.

In the meantime, the cemetery roads need to be repaved and we have asked for assistance with that project as well.

Solicitor Rutt further explained this is a community transportation fund request. In the past, the legislators have provided funding and this is already a budgeted project. That money will go toward the project and the funds will be cut in the same amount that will be budgeted back to the general fund to be used for another purpose. It is a swap of budgeted dollars for money being provided by Representative Kenton.

Mr. Rutt confirmed this was done for the Can-Do Playground as well as the Church of God parking lot.

Mr. Burk moved to approve the legislative swap and a transfer of \$27,000 from general fund reserves for the cemetery road project, seconded by Ms. Peel. Motion carried.

DBF Proposal/Fisher Avenue Pump Station Rehab Project

PE Erik Retzlaff referred to the proposal for providing services associated with the Fisher Avenue Pump Station Rehabilitation Project. This project is the first phase of a multi-phase USDA-funded Sewer System Improvement Project approved in the September 1, 2015 referendum.

It includes two items already completed and not included in the formal proposal and more of an on-call service:

Assist the city with preparation of the USDA funding application and prepare the required preliminary engineering and environmental reports for obtaining project funding; also participate in any public hearings and presentations to City Council and the public in advance of the project referendum.

Lump Sum Fee: \$21,757.60

Preliminary Engineering Services-conduct an assessment of the existing pumping station and made recommendations for the necessary rehabilitation and upgrades including cost estimates associated with the recommended work.

Lump Sum Fee: \$4,800.00

The first project was to rehabilitate one of the city's largest pumping stations on the corner of Fisher Avenue. This is a crucial part of the overall infrastructure. Estimated costs are as follows:

ENGINEERING DESIGN, PERMITTING & SURVEY SERVICES

Lump Sum Fee: \$70,500.00

BID PROCUREMENT SERVICES

Lump Sum Fee: \$6,600.00

CONTRACT ADMINISTRATION SERVICES

Estimated Fee: \$38,800.00

RESIDENT PROJECT REPRESENTATIVE (RPR) SERVICES

Estimated Fee: \$58,500.00

EXCLUSIONS/ADDITIONAL SERVICES

Payment terms shall be in accordance with our attached rate schedule.

Should council approve the proposal, the proposal will be converted to the proper USDA form prior to execution by the city. USDA concurrence is also needed.

It was confirmed this project was included in the September referendum.

Mr. Rutt expressed concern and asked if there was a request for proposal versus a one-contract option. He questioned if this went out for bid because the city charter requires public bidding for anything over \$30,000.

Mr. Retzlaff responded by stating that professional services are exempt from that requirement. Mr. Rutt agreed though he is raising a red flag because of the number. Mr. Retzlaff further explained this was item one of the multi-phase project that included pump station improvements, monitoring system improvements and collection system improvements.

He emphasized this is not the construction phase which will be bid as is noted in the proposal. The estimated construction cost for the project is \$1.2 million.

Mr. Mergner confirmed this will allow DBF to begin the process; Mr. Retzlaff agreed adding this will allow them to prepare the documents and associated work to get to the construction phase.

Mr. Grier asked if this is total of all related professional services on the project; Mr. Retzlaff explained the \$1.2 million is the estimate only for the Fisher Avenue Pumping Station improvements. Within the \$4 million, over \$375,000 was included for professional services. Typically, there is 7 to 8% is for design services and a similar number for the construction phase as is noted in Section G-Exclusions/Additional Services.

Mr. Mergner asked if the city awarded DBF this contract; Mr. Rutt said there is no bidding requirement for professional services.

Mr. Grier moved to approve the DBF Proposal 052A169 for the USDA Sewer System Improvements Project I Engineering Services as presented, seconded by Mr. Brooks. Motion carried.

Change Order Request/SE Milford Water Project/New Well/Funding Authorization

The following letter was received from Principal Randy Duplechain of Davis, Bowen and Friedel:

Please find attached a proposed change order from Kuhn Construction Company in the amount of \$197,920.00. This change order is for the installation of the new 210-foot deep, 8-inch diameter water production well including a new well pump, associated piping, meter vault and electrical and control work necessary to operate the new well. As part of this change order Kuhn Construction is also requesting an additional 8 weeks of construction time be added to their existing contract to allow time for installation of the new well and control work.

As you may remember, the City contracted with our office earlier this year to install an approximately 210-foot deep test well at the Southeast Milford Water Treatment Facility site. The purpose of this test well was to determine aquifer water quality and potential yield from a possible second source of water. Results of the test well indicated water quality at that depth to be acceptable with the potential aquifer yield in the range of 125 GPM. Based on these positive results the previous city manager asked that our office prepare the necessary design documents to obtain a change order price for installation of a second production well at this site. We therefore completed the project design and coordinated with the contractor to obtain the attached change order.

Following is a breakdown of anticipated costs and remaining available project funds.

<i>Estimate of remaining USDA project funds:</i>	<i>\$120,000.00</i>
<i>Kuhn Construction Company change order request:</i>	<i>\$197,920.00</i>
<i>DBF well design and contractor coordination: (already complete)</i>	<i>\$7,800.00</i>
 <i>Estimate of DBF construction administration and inspection services necessary to oversee and administer the installation of the new well and associated piping and controls during the additional 8 weeks of construction time:</i>	 <i>\$30,600.00</i>
 <i>Anticipated Project Shortfall =</i>	 <i>\$116,320.00</i>

As discussed, the City Public Works Department would also like to install a chain link fence around the entire tank and well facility for security purposes. We estimate the cost of this work to be in the range of \$30,000.00.

Should City Council approve the above well and chain link fence work, we request the transfer of \$150,000.00 be approved from the City's Water Reserves Account to this project to cover the anticipated funding shortfall.

Mr. Retzlaff recalled when there was money secured through the Safe Drinking Water Fund (SRF) in the amount of \$3.5 million. The city turned that money down and instead opted to pay for those improvements out of reserves. This supplementary well was included in that request.

It was confirmed the sewer and water departments have reviewed this request.

If council decides not to accept this as a change order, Mr. Retzlaff advised that formal documents will need to be prepared for the public bidding process. However, it can be issued through a change order of an existing contract in order to save the associated costs and time of a separate contract.

Mr. Mergner commented it is a large change order; Mr. Retzlaff said it is considered supplemental work to the current project. He noted that the cost of drilling a well, based on current requirements, is approximately \$80,000. Adding the pump and motor is another \$25,000 to \$30,000. Piping, instrumental and electrical upgrades are another \$50,000.

Mr. Burk asked if the Interim City Manager has had any input and noted that the letter was addressed to him. It was confirmed a copy was sent to Mr. Portmann.

Mr. Retzlaff said there is a need for additional capacity right now because of the daily demands throughout the week. Even with all wells, it is difficult to keep up with the industrial demand. There is a need to balance it off the system. Mr. Burk recalled the previous city manager discussed that when we had a similar problem and Perdue was required to stop production.

Mr. Retzlaff agreed adding that the previous city manager was included in the design review and associated work.

Mr. Burk moved to approve the Kuhn Construction Company Change Order in the amount of \$197,920.00, seconded by Mr. Brooks. Motion carried.

Mr. Grier moved to approve the transfer of \$150,000.00 from water reserves to cover the anticipated funding shortfall, seconded by Mr. Starling. Motion carried.

ADJOURN

Mr. Burk moved to adjourn, seconded by Ms. Peel. Motion carried.

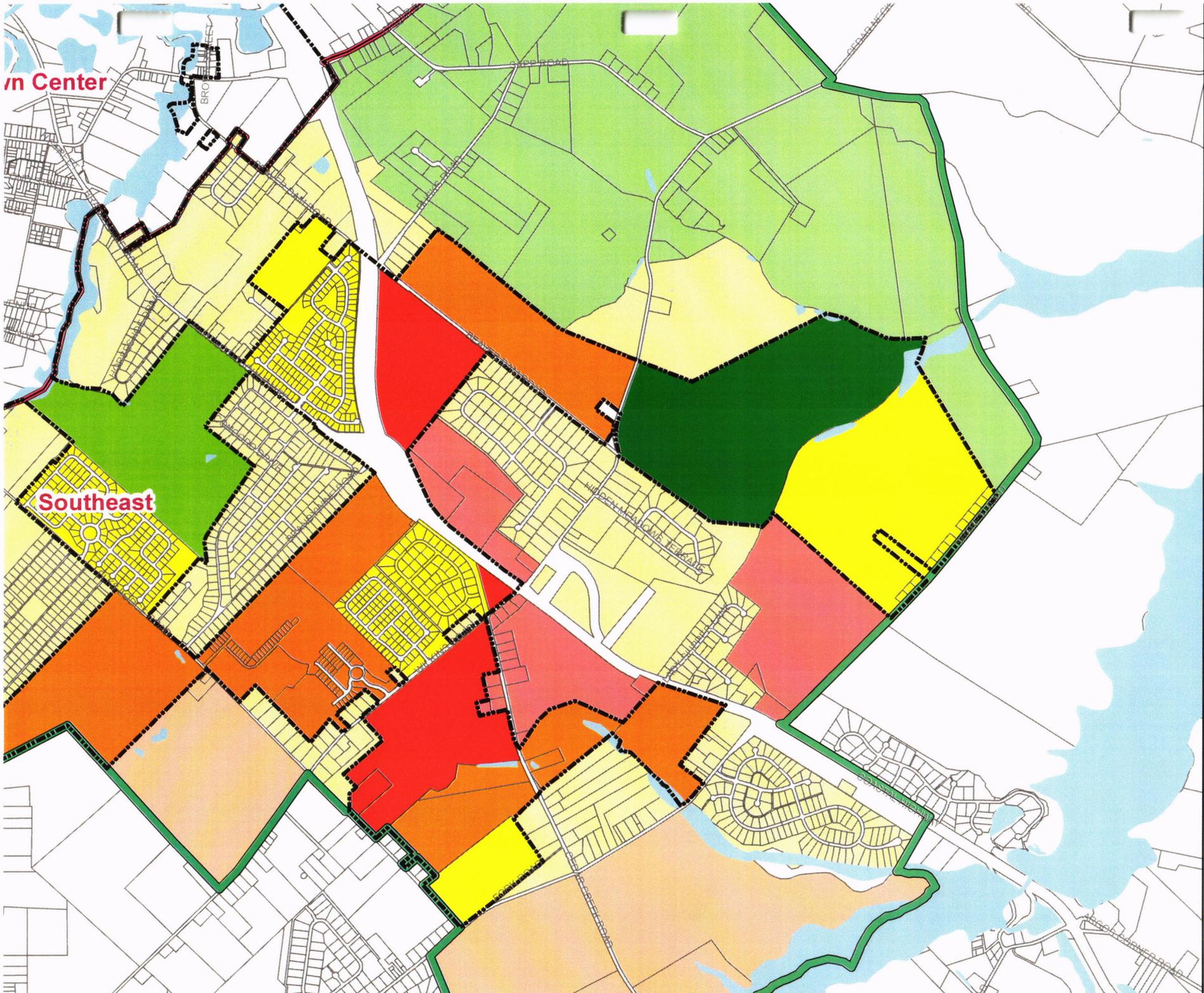
Council meeting was adjourned at 8:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder

Attachments:
Maps (SE Milford)



Legend

-  City Boundary
-  County
-  Urban
-  Water
-  Neighborhood
-  Downtown
- Future Land Use**
-  Business
-  Government
-  Employment
-  Highway
-  Proposed
-  Industrial
-  Institutional
-  Low Density
-  Proposed
-  Moderate
-  Proposed
-  Open Space
-  Proposed
-  Proposed
-  Transfer
-  Proposed

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 26, 2015

The City Council of the City of Milford met in Workshop Session on Monday, October 26, 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 Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., and James Starling, Sr.

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 8:34 p.m.

Solid Waste Code/Yard Waste Additional Container Fee

Mayor Shupe recalled Councilman Mergner brought a complaint to council from a resident regarding an additional yard waste container fee. His concern was he originally paid \$60 for the additional container when the yard waste program was initiated. In the past year, that \$60 was refunded in lieu of a \$12 per month fee added.

City staff was asked to review the service and determine the monthly average yard waste cost. The following document was submitted:

FUEL.....1,562.40 gallons x 1.9110 (Market price as of 10/16/15) = \$2,985.75/ fuel per year (2,985.75/1,820 YW customers)	\$1.64 per customer x 2 stops per month=	\$3.30
VEHICLE MAINT/REPAIR.....\$40,000 ÷ 12 months = \$3,333 /Maintenance & Repairs per month (Annual budget amount / amount of YW customers)		\$1.85
NEW TRASH TRUCK\$157,203/3=52,401 per year depreciation (New replacement every 3 years, newest purchase -2014)	1820 x 24=43,680 (2 pickups per month per container) 52,401 ÷ 43,680 =	\$1.20
REFUSE COLLECTOR LABOR.....\$.5133 per stop (2 men per truck) = (Average 3 Minute Stop @ 0.2566 per man)	\$1.5399 per customer x 2 stops per month =	\$3.10
ADMINISTRATIVE COST.....	32 hours @ \$24.86= \$795.52/Cost per month ÷ 1820 =	\$.45
DISPOSAL COST.....	\$14,452 (annual) ÷ 1820 = \$7.94 per customer ÷ 12 =	\$.66
CONTAINER COST..... (Container replacement approximately every 7 years)	\$56 ÷ 84 months =	\$.66 per stop

APPROXIMATE MONTHLY COST PER CUSTOMER: \$ 11.22

Approximate yard waste customers as of September 2015**1820**

Labor Rate "Refuse Collector" Grade 3.....**\$15.40 per hour**

Labor Rate "Administrative Asst."**\$24.86 per hour**

Average container cost **\$56.00**

Mayor Shupe noted the approximate monthly cost per customer is \$11.22 compared to \$12.00 for an additional container.

Mr. Brooks reiterated that originally the city charged a one-time fee of \$60 a month which was reimbursed and a \$12 a month fee added which totals \$144 per year. He noted that the city lost half their customers when that fee was implemented because they thought that monthly fee was too high. However, it now looks like we are just breaking even.

He recalled the previous city managers have claimed we were losing money on commercial trash though we were making money on the residential side.

Mr. Brooks said he was asked by a resident if he could return the container for six months of year, then pick it up to be used for the other six months. That would save residents \$72 a year.

Mayor Shupe said that council can put any policy in place if that is what is needed. However, if that were done, we would need to consider the additional manpower time and associated costs required to pick the container up and return it twice a year.

Mr. Mergner said this is a good breakdown, but the truck is already out there. Repairs are needed regardless of whether there are one or two containers. There is a smaller incurred cost for fuel and labor as well as the container itself. The homeowner's argument is that the crews are already there and the cost is minimal to pickup the additional container. He agrees there is an additional cost. If this is creating additional work for our crews, our customers need to pay those cost. He feels this illustrates that.

Mr. Mergner appreciates the work that went into this to provide this breakdown. It will definitely help communicate the city costs to the residents who are disputing these costs. He also agrees that if an additional container is producing more waste, then the resident should pay for it.

Mr. Brooks does not feel he is paying \$12 for one yard waste container. Instead he is paying \$24 a month and has three cans. His regular trash is being picked up four times a month and recycling is picked up twice.

Mr. Burk noted that Mr. Mergner received a complaint and asked if anyone else has received a complaint. Mr. Brooks said he received a complaint in Walmart and talked about it for forty-five minutes.

Mr. Burk said he has not received any complaints; Mr. Starling has not had any complaints. Mr. Burk said he is happy we receive weekly service.

Mr. Grier asked if the complaint to Mr. Brooks was about the price. Mr. Brooks said yes and the resident said that if he had not complained, the city would not have thought about changing it and adding the additional \$12 fee per month for the extra container. He told Mr. Brooks that because he complained about the \$60 fee, he is now paying \$144 a year.

Mr. Mergner feels there are not a lot of extra containers still out, but perhaps it is a situation where we should only charge for a certain number of months for yard waste and possibly April through October. He is not sure what kind of administration work would be associated with that. If they are not using it from November through January or February, we could base the fee on only those months.

He does agree there is more work for our crews with the extra container and we need to make the customers accountable for that.

Mr. Brooks suggests that instead of charging \$12 a month, we only charge \$6 a month for the entire year and not provide

the service for those six months.

Mayor Shupe feels that if council decides not to charge for those months, he would recommend customers keep their containers throughout the year to prevent picking up and dropped the containers off which is additional work and time.

Mr. Grier confirmed that what is being considered is a \$6 monthly fee though the additional yard waste container would only be picked up six months of the year.

Mr. Brooks said it can be done in any manner. He has people complain to him all the time and some people say nothing. He feels he gets his month's worth of all three services.

Mr. Mergner said he wanted the details so he can respond to this resident. He will definitely communicate this back to this person. He does not feel any additional changes are needed and this solidified what is in place.

If everyone else agrees, he feels we need to move on.

Solid Waste/Bulk Pickup Fee

Mr. Brooks recalled the complaint he received from a property owner that was included in a previous council packet. He had a sofa picked up and was charged a \$50 bulk pickup fee.

The property owner felt it was very high considering this was one item. He lived outside the city and had trash service through Kent County who would pick up a sofa for no additional fee.

Mayor Shupe received a complaint from a neighbor who had put out a front door for pickup. It was placed next to the trash and he was charged a \$50 fee.

Mr. Brooks stated that if a city trash truck picked up ten items at five different houses, the cost would be \$500. He feels that could be done in less than two hours. He asked if the city is overcharging for this service; Mayor Shupe talked with the city planner about this issue. One of the things that needs to be considered is if the \$50 is enough of a challenge to deter people from putting these items out or just leaving them in their yards. Then we have to deal with it through code enforcement and in the meantime have to look at these unsightly yards. He feels it may be a deterrent and might prevent people from putting the items out curbside for pickup.

Mr. Brooks recalled a similar situation on North Walnut Street that sat there for a long time.

Mr. Mergner asked the cost to dispose of these items. Ms. Hudson said the cost at DSWA is based on the weight of the object. Mr. Mergner asked if it is the same cost charged to a private service; Mr. Burk feels it is a lower fee due to the city's volume and bulk charges.

Ms. Hudson explained that Kent County contracts the service out to a private hauler and the trash trucks are capable of picking these items up on their regular route. In Milford, it requires an additional route is needed to accommodate bulk pickup.

Mayor Shupe agreed the county trucks are capable of picking up both trash and any bulk items.

Mr. Burk said he took an item to the dump in Georgetown. It cost him \$25, in addition to the time, effort and gas to ride down there. When he considers that, the \$50 fee may not be excessive. He probably could have taken the item to the transfer station and it may have been less expensive, but it definitely involved more time and gas.

Mayor Shupe asked for comments about changing the \$50 fee.

Mr. Mergner asked to consider what other municipalities are charging compared to Milford. Mayor Shupe agrees adding that we will get that information and bring this back to council at the next meeting.

Mr. Mergner appreciates the information that was presented tonight adding that council now has an explanation when they are questioned. He emphasized this information is very helpful and appreciated the time that went into it.

With no further business, the Workshop Session concluded at 8:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Terri K. Hudson". The signature is written in a cursive style with a large initial "T".

Terri K. Hudson, MMC
City Clerk/Recorder