

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
October 10, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 10, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:04 p.m.

#### INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling including an acknowledgment to Samuel Wylie, the first City of Milford Parks and Recreation Director hired in the early 1970's, who passed away.

#### APPROVAL OF PREVIOUS MINUTES

Motion to approve the September 12, September 17 and September 26, 2016 Council Meeting minutes made by Councilmember Burk, seconded by Councilmember Morrow. Motion carried.

#### RECOGNITION

No special guests.

#### MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly report on behalf of Chief Brown noting the officers were extremely busy in September. Councilmember Peel moved to accept, seconded by Councilmember Campbell. Motion carried.

#### CITY MANAGER REPORT

Mr. Norenberg referenced his report in the packet and referred to the retreat summary asking anyone with any questions to contact him.

He is scheduling a meeting with Councilwoman Peel to develop a process and approach to strategic planning as a result of the work that occurred at the Council retreat.

The City Manager also noted that based on the new state contract will save the City approximately \$2,000 (more than 40%) in bottled water by switching to a new vendor.

Councilmember Brooks moved to accept the City Manager Report, seconded by Councilmember Starling. Motion carried.

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the second month of Fiscal Year 2016-2017 with 17% of the fiscal year having passed, 25% of revenues have been received and 16% of the operating budget expended.

He explained that the revenues are up as a result of the additional property taxes that have been paid.

Councilmember Burk moved to accept the August Finance Report as presented, seconded by Councilman Brooks. Motion carried.

City Manager Norenberg then updated Council on the tax collections that were due September 30, 2016. As of this past Friday, the customer service staff was continuing to open envelopes and post payments that had been postmarked prior to that due date.

Once that is complete, he will provide Council with a report showing the current delinquencies and payment plans currently underway. A new letter will then be drafted and sent to any delinquent property owners.

Councilman Campbell noted that a number of property owners are making installment tax payments through the county as a result of the school tax increase. He recommends the City consider that as well. Mr. Norenberg is unfamiliar with those requests though that was allowed for delinquent property owners to get caught up and have any penalties waived.

## COMMITTEE & WARD REPORTS

### *Community Affairs Committee*

Chairwoman Peel reported the Community Affairs Committee met to discuss changing our zoning code to allow chickens and the purchase of new holiday decorations.

She further explained that a meeting was held earlier during which time the committee decided a conditional use would be added to the zoning code which would permit chickens. The Planning Coordinator is working on some additional language that would limit the number permitted, the minimum acreage, required setbacks, etc. This would require public hearings before the Planning Commission and City Council in addition to mandatory registration with the Department of Agriculture.

Chairwoman Peel then asked Council how much input they would like in holiday decorations. Public Works Director Mark Whitfield attended the meeting and reminded the Committee that \$15,000 had been budgeted for the decoration project. The committee felt that instead of continually repairing/replacing the mechanical figurines that also create storage issues, they would purchase something more sustainable like window candles, door wreaths and additional lighting of trees.

It was also recommended that the light post banners throughout the downtown areas be changed out for the holidays.

Chairwoman Peel asked if Council would like to have input in the matter or do they prefer the Committee making these choices. The Councilmembers were comfortable with the Committee making the decisions.

Councilmember Wilson noted that the banners were purchased by DMI and not by the City. Chairwoman Peel agreed and their plans are to work with DMI on the replacements.

Councilmember Mergner confirmed the big tree in front of City Hall is lit adding that the lighting of that tree during the holidays would be a nice event.

Mayor Shupe stated that he, the City Clerk and City Manager have discussed restoring that event back to the downtown though it was not officially discussed during the Committee meeting. It used to be a tradition in the downtown but had not been done for a couple of decades. Councilmembers Mergner and Wilson agreed it would be a nice welcome to the holiday season.

The City Manager is planning to coordinate the event with DMI.

Chairwoman Peel advised that the current 'Seasons Greetings' decorations will be retired.

Councilwoman Wilson said she was on the Holiday Decorating Committee for many years and recommends the Committee Members make the decisions versus the entire Council because a few opinions seem to accomplish more than a larger number.

#### *Public Works Committee*

Chairman Brooks reported that a Public Works Committee meeting was held on October 4<sup>th</sup> to discuss eight agenda items. He said many of those items are on tonight's council meeting. He was very pleased with how smooth things went at the meeting and the amount of work that has been accomplished by the new Public Works Director Mark Whitfield and City Manager Norenberg. Any questions that were brought up during the meeting were immediately answered which was a new experience for him and the Committee members.

#### *NAACP Banquet*

Councilman Starling thanked the City Officials who attended the Annual Banquet.

#### *Haitian Creole Community Relations Group*

Councilwoman Wilson reported on a recent meeting during which time a number of new community leaders attended. She was very pleased the Nemours Health System Administrator from the Wilmington area joined forces with other local leaders to discuss ways to enhance that committee.

Councilwoman Wilson explained they are focusing on pocket areas where some of the Haitians reside as well as various means of transportation. Perdue is in the process of providing transportation to and from work while the Nemours Administrators are working with DART to increase the number of stops in the Greater Milford area particularly as the City grows in the southeast area.

They also discussed the impact of Hurricane Matthew and how the committee can put together some Milford resources to assist their families in Haiti. Additional information will follow. They will be soliciting others to join in this effort and have already made contact with Dover Air Force Base who could be a potential delivery option.

#### *Comprehensive Plan/East of Route 1 Highway Commercial Development Concerns*

Councilman Campbell said he has received a number of calls and hopes that many of those concerned will show up for these hearings.

Mayor Shupe said the City has done an excellent job sending letters to property owners within 200 feet of the site, in addition to the HOAs to ensure everyone is aware of what could occur in that area.

City Manager Norenberg stated that one of the concerns our City Planner has heard is that it will not matter whether or not they voice their concerns and he hopes that Council encourages these property owners to speak on this matter or any similar development in which there are concerns.

Mayor Shupe agrees and asked that Councilmembers need to encourage these people to attend these meetings.

Solicitor Rutt clarified that the Wednesday, October 11<sup>th</sup> workshop is an opportunity for people to look at the plans and drawings but is not a public meeting in terms of taking testimony or public discussion. However, there are scheduled public hearings the following two weeks on October 18<sup>th</sup> and October 24<sup>th</sup>. Any public comments made during those hearings will be made part of the public record. At that time, the Planning Commission and City Council will deliberate and take a vote.

Mr. Rutt emphasized that on Wednesday night, there will be no discussion or promises or huddling in the corner by anyone on City Council or Planning Commission as to the matter that is being presented to them. The workshop is only for the purposes of disseminating information as to the plans and not where someone will talk at the podium.

It was confirmed the comprehensive plan survey was closed on September 30<sup>th</sup>.

#### COMMUNICATIONS & CORRESPONDENCE

Included in packet.

#### UNFINISHED BUSINESS

*PFM Financial Advisors LLC/Director Jamie Schlesinger & Bond Counsel Tim Anderson  
Presentation/City of Milford Bond Matter/Series of 2011 Refinancing/Series of 2016 Issuance*

Mr. Schlesinger introduced himself stating that he is the Director of PFM that has been the City's financial advisor for a number of years. They have been monitoring the potential for a refinancing of some of the City's existing debt. There was a bond issue from 2011 that is outstanding and callable in January 2017. He commented this is the perfect time to consider the adoption and to move forward with a resolution and ordinance related to the refinancing.

He pointed out that interest rates have been low for a while and the all-time low occurred a month or so ago. Though they have increased slightly, they are still at historic lows. The City plans to lock into the new interest rates in the next month or so in an effort to save some money.

Mr. Schlesinger then referred to a summary of the City's outstanding debt and noted that what is being considered is the outstanding balance of the Series A of 2011 that has a principal balance of just below \$8 million. The current average interest rate is between 2 and 4.5% though the average is 4%.

This is not an extension of the debt but instead similar to a home mortgage refinancing with the City taking advantage of the market and reducing its interest rates.

It was noted that the City has a couple projects over the next year, one being the meter project. Mr. Schlesinger pointed out there are a couple ways to take the savings and how the principal payments would be structured moving forward.

The Director emphasized that the savings he is presenting are estimates and the exact number cannot be determined until the actual bonds are sold.

He explained that in Option 1, the City would take the savings up front. In the June 30, 2017 year, the reduced interest cost would be \$445,000 and in the June 30, 2018 year, savings would be \$159,000. Following that, there is a savings of approximately \$5,000 a year.

Mr. Schlesinger explained the savings can be utilized to help fund other projects and one of particular interest is the meter project that is proposed.

In Option 2, the savings would be taken over time. Starting now and the maturity of the bond, there would be approximately \$40,000 generated per year. Though there would be a little more savings, taking the savings up front makes the most sense considering the projects that are coming up and the fact that time is money.

He then explained that once City Council adopts the resolution and the ordinance at the next Council meeting, his firm will prepare to sell the bonds over the internet PFM Auction where nationwide underwriters have the ability to offer their interest rates and costs. Ultimately, whoever offers the lowest rates wins and the lower the rate, the more the City will save.

The process to acquire the City's bond rating is still required; currently the City has a AA- with Standard and Poor's.

The bond sale would then be scheduled within the next month with settlement occurring prior to the end of the year.

Based on the current estimates, PFM believes the City will save approximately \$600,000 with Option 1.

Councilwoman Wilson asked if there is a risk of selling bonds on line versus the standard way or way it used to be done.

Mr. Schlesinger explained that the only way to competitively sell bonds is to use the internet auction sites. That allows many more bidders at one time and gives them the ability to bid multiple times. The anonymous bidders sign into the website for the fifteen-minute auction. Though they are unaware of the other bidders or the rates being offered, they do understand that if they are not the winner, they can continue to offer bids which lowers the interest rate. From that perspective it generates much more savings for the City.

Councilwoman Wilson asked who watches or shops this for the City; Mr. Schlesinger explained they are the advisor and working on behalf of the City and thereby establish the sale, the bid specs and are responsible for putting it on line for the underwriters to bid.

He further explained that the underwriters, who are the people that buy the bonds, are big financial firms interested in General Obligation Bonds such as Janney Montgomery Scott, Boenning and Scattergood, Mellon, etc.

The process continues until the other firms no longer offer any lower interest rates; at that point the auction ends.

Mr. Schlesinger pointed out that because these bonds are callable in January 2017, this is the right time.

He informed Council the final maturity year would be 2037 regardless of the option that is chosen. The principal is paid in January of every year and the interest paid in January and July. The only difference in the two options is how the principal payments are structured to generate the savings. Choosing option 1 provides a big savings up front.

Councilmember Burk asked what our Finance Director recommends. Mr. Norenberg explained that Mr. Schlesinger and Mr. Portmann have consulted and the City Manager has consulted with Mr. Portmann. When you consider the time value of the money, the present value will virtually result in the same savings to the City up front. Mr. Portmann sees this as an advantage by using the \$664,000 toward the Smart Meter project.

Mr. Schlesinger agrees there is a time value of money calculation that should be considered. When the payments are discounted over the life of the bonds at a yield of about 2.75%, it turns out to be about the same in the grand scheme of things.

He also pointed out that most clients take the savings up front because it can be taken immediately.

The City Manager explained these are electric and sewer bonds and the savings can only be used for specific projects. Because it relates to the metering project and we meter the water in order to know what goes into our sewer, we are able to use the savings for the Smart Meter Project.

The consensus of Council was to take the money up front.

He then reviewed the following preliminary financing schedule:

Early/Mid August - Request for Information for Preliminary Official Statement  
Mid August - Start Preliminary Official Statement  
End of September/Early October - Rating Call  
October 10th - City Meeting to Discuss Refinancing (1st Reading)  
October 24th - City Meeting to Discuss Refinancing (2nd Reading)  
Mid October - Rating Received

End of October - Post POS/Invitation to Bid to Auction Website  
End October/Early November - Price Bonds  
End November/Early December - Settlement

Mr. Schlesinger also reported there is a lot of administrative work being done in conjunction with bond counsel to prepare the offering statement, which is the document the potential bond holders and rating agencies will review to learn about the City and its demographics. Once that is completed and after the City's rating is received, they will be ready to sell the bonds following the adoption of the ordinance by City Council on October 24<sup>th</sup>.

Councilman Campbell asked what costs are associated with the fees. Mr. Schlesinger noted that the fees from his firm (PFM) and the bond counsel, as well as expenses associated with S&P (rating agency), Cusip (unique number assigned to bonds) and advertising/publications are all built into the numbers. The net result is the \$600,000.

He emphasized that neither his firm nor the attorneys make any additional money based on the option chosen.

Mr. Schlesinger reminded council that his firm has been watching this for awhile and keeping the City administration informed.

*Adoption/Refunding Resolution 2016-15/City of Milford General Obligation Bonds  
Proposes the Approval of the Refunding Project and Establishes Time and Place for Public Hearing*

Mayor Shupe then read the below related Resolution into record:

*NOTICE OF PUBLIC HEARING  
RESOLUTION 2016-15*

*WHEREAS, the City Council of the City of Milford, Delaware ("City Council") has been advised that the City of Milford can achieve present value debt service savings by refunding the City's outstanding General Obligation Bonds, Series A of 2011 (the "Refunding Program").*

*NOW, THEREFORE, BE IT RESOLVED, and it is resolved that the City Council of the City of Milford does hereby propose the borrowing of an amount of money not exceeding \$9,800,000 to be utilized for the Refunding Program described above, and to pay certain costs associated with the issuance of its General Obligation Bonds, Series of 2016 (the "2016 Bonds"). The average rate of interest on the 2016 Bonds shall not exceed 5.00%. The 2016 Bonds shall be secured by the full faith and credit of the City. The 2016 Bonds shall be paid or funded by available revenues of the City. The City is authorized to use a portion of the proceeds of the 2016 Bonds to pay costs associated with the issuance of the 2016 Bonds. A public hearing upon this resolution and final authorization for the borrowing is scheduled in the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on October 24, 2016 at 7:00 p.m. with final authorization for the borrowing expected at the regular monthly meeting to follow on the same date.*

*IN WITNESS WHEREOF, I hereto set my hand and caused the Seal of the City of Milford to be affixed this 24<sup>th</sup> day of October 2016.*

*Mayor Bryan W. Shupe  
Attest City Clerk Teresa K. Hudson*

Councilman Burk moved to adopt Resolution 2016-15 and proceed with Option 1, Up Front Savings Structure, seconded by Councilman Morrow. Motion carried with no one opposed.

*Introduction/Ordinance 2016-19:*

*Authorizing a Certain 2016 Refunding Project and Incurrence of Indebtedness;  
Authorizing Issuance of General Obligation Bonds Series of 2016 to Provide Funds  
For and Toward Such Refunding Project; Setting Forth Terms of the 2016 Bonds*

City Manager Norenberg introduced Ordinance 2016-19, related to the 2016 Bond Issue, and its potential adoption following a Public Hearing on October 24, 2016:

*ORDINANCE 2016-19*

*AUTHORIZING A CERTAIN 2016 REFUNDING PROJECT HEREIN DESCRIBED AND THE INCURRENCE OF INDEBTEDNESS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES OF 2016 (THE "2016 BONDS") TO PROVIDE FUNDS FOR AND TOWARD SUCH REFUNDING PROJECT; SETTING FORTH TERMS OF THE 2016 BONDS; PROVIDING FOR BOOK-ENTRY ONLY BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PAYING AGENT AGREEMENT AND PROVIDING FOR THE APPOINTMENT OF A PAYING AGENT; COVENANTING TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE 2016 BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR PAYMENT OF THE 2016 BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE 2016 BONDS; PROVIDING FOR THE EXECUTION AND AUTHENTICATION OF THE 2016 BONDS; CREATING A DEBT SERVICE FUND FOR THE 2016 BONDS; PROVIDING FOR THE SALE OF THE 2016 BONDS AND AUTHORIZING THE ACCEPTANCE OF A BOND PURCHASE AGREEMENT FOR THE PURCHASE OF THE 2016 BONDS, SETTING FORTH THE MAXIMUM INTEREST RATE AND UNDERWRITER'S DISCOUNT ON THE 2016 BONDS; SETTING FORTH CERTAIN FEDERAL TAX COVENANTS; PROVIDING FOR THE APPLICATION OF 2016 BOND PROCEEDS; AUTHORIZING OFFICERS TO ACT; APPROVING THE CONTENT AND FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE DISTRIBUTION THEREOF AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT AND THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE; SETTING FORTH BOND INSURANCE PROVISIONS; SETTING FORTH THE DATE OF THE 2016 BONDS AND OTHER DOCUMENTS; PROVIDING FOR AN ESCROW AGREEMENT; AUTHORIZING OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE.*

**NEW BUSINESS**

*Introduction/Ordinance 2016-14:*

*Code of the City of Milford Part II-General Legislation  
Chapter 230-Zoning Code Article III-Use and Area Regulations  
§230-14 C-3 Highway Commercial District*

Mayor Shupe then introduced Ordinance 2016-14:

*ORDINANCE 2016-14  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 230-ZONING  
ARTICLE III-USE AND AREA REGULATIONS  
§230-14 - C-3 HIGHWAY COMMERCIAL DISTRICT*

*WHEREAS, the City of Milford deems it necessary to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers; and*

*WHEREAS, the City creates districts for said purpose and establishes a Board of Adjustment; and*

*WHEREAS, the City imposes penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.*

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 III-Use and Area Regulations, 230-14 C-3 Highway Commercial District, C. Conditional Uses is hereby amended as follows:*

*C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*

**(19) Aquarium**

*Section 3.*

*Article III-Use and Area Regulations, 230-14 C-3 Highway Commercial District, D. Area Regulations is hereby amended as follows:*

*D. Area regulations.*

- (1) Minimum lot area shall be one acre.*
- (2) Maximum lot coverage shall be 80%.*
- (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.*
- (4) Height of buildings shall not exceed three stories or 35 feet, **with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.***

*Section 4. Dates.*

*Planning Commission Review and Public Hearing: September 20, 2016*

*City Council Introduction: October 10, 2016*

*City Council Public Hearing and Adoption: October 24, 2016*

*This ordinance shall take effect and be in force ten days after its adoption.*

Planning Coordinator Rob Pierce recalled back in May, some modifications to the C-3 zoning category were discussed by the Community Affairs Committee. During the August and September Planning Commission meetings, an amendment was drafted which will add increased building heights and an aquarium as a conditional use. The current code does not permit buildings to exceed three stories and the amendment will permit five stories or sixty feet.

A public hearing has been scheduled on October 24th.

*Introduction/Ordinance 2016-17:*

*Amending and Adopting by Ordinance A Third Amendment to the 2011 Southeast Master Plan of the 2008 City of Milford Comprehensive Plan East of Route 1*

*\*Mr. Wiggles LLC (3-30-11.00-056.00);*

*Change of future land use designation from low density residential to highway commercial.*

*\*Country Life Homes Incorporated (3-30-11.00-070.00 & 3-30-11.00-070.03)*

*(Former Beverly Thawley);*

*Change of future land use designation from low density residential to highway commercial.*

Mayor Shupe introduced Ordinance 2016-17:

*Ordinance 2016-17  
AMENDING AND ADOPTING BY ORDINANCE  
A THIRD AMENDMENT TO THE SOUTHEAST MASTER PLAN OF*

*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 Ordinance 2011-15, a Comprehensive Plan Update, on July 11, 2011 to include the addition of and implementation of the Southeast Master Plan, and*

*WHEREAS, the City of Milford adopted Ordinance 2012-09, a second Comprehensive Plan Amendment, on June 25, 2012, and*

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

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

*WHEREAS, the City of Milford adopted Ordinance 2015-16, a fifth Comprehensive Plan Amendment, on October 26, 2015, a second amendment to the Southeast Master Plan, and*

*WHEREAS, the Planning and Economic Activities Coordinator has prepared, and consulted with the Office of State Planning, a sixth amendment to the 2008 Comprehensive Plan which will amend the Southeast Master Plan by permitting the future land use designation of three parcels from low density residential to highway commercial; and*

*WHEREAS, the City of Milford held a public workshop for public review and comment on the proposed amendment on October 12, 2016; 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 October 18, 2016 and did recommend approval and adoption of the sixth amendment of the 2008 Comprehensive Plan, and*

*WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fourth amendment of the 2008 Comprehensive Plan on October 24, 2016, 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 24, 2016 and made effective as the amended 2008 Comprehensive Plan for Milford on this 24th day of October 2016.*

*Public Workshop: October 12, 2016*

*Planning Commission Review & Public Hearing: October 18, 2016*

*City Council Introduction: October 10, 2016*

*City Council Review & Public Hearing: October 24, 2016*

*Adoption: October 24, 2016*

*This ordinance shall take effect and be in force ten days after its adoption.*

*SYNOPSIS: This comprehensive plan amendment includes the following three properties:*

- 1. Mr. Wiggles LLC (3-30-11.00-056.00); change of future land use designation from low density residential to highway commercial.*
- 2. Country Life Homes Inc. (3-30-11.00-070.00 & 3-30-11.00-070.03); change of future land use designation from low density residential to highway commercial.*

City Planning Coordinator Rob Pierce said it was brought to their attention after the ordinance was published that some minor technical amendments were needed. Mr. Pierce discussed it with the City Manager and City Solicitor who recommends changing the ordinance to include:

The Mayor and City Council held a duly advertised public hearing on the **THIRD** amendment to the Southeast Master Plan and the **SIXTH** amendment to the 2008 Comprehensive Plan...

In addition, the following paragraph is changed accordingly:

Now, Therefore, the City of Milford hereby ordains that the **THIRD** amendment to the Southeast Master Plan is hereby adopted on October 24, 2016 by enacting the **SIXTH** amendment to the 2008 Comprehensive Plan and made effective as the amended 2008 Comprehensive Plan for Milford on this 24<sup>th</sup> day of October 2016.

He informed Council that the clarification relates to the 'sixth' overall amendment to the Comprehensive Plan and specifically states the 'third' amendment to the Southeast Master Plan.

Mr. Pierce reiterated an informational workshop has been scheduled on Wednesday, October 12<sup>th</sup> from 5:00 p.m. to 7:00 p.m. at which time staff will be available for the public to come in and review the proposed comprehensive plan. The Planning Commission will hear the proposal on October 18<sup>th</sup> with City Council making a final determination on October 24<sup>th</sup>.

He clarified this amendment involves 120 acres of land east of Route 1, the site of the former Beverly Thawley Farm and current Mr. Wiggles property. That property owner has requested those land use designations be changed from low density residential to highway commercial.

*Introduction/Ordinance 2016-20:*

*Solid Waste Management Code Amendment*

Mayor Shupe introduced the following ordinance:

*Ordinance 2016-20  
Chapter 193-Solid Waste Management*

*The following ordinance is currently under review by Milford City Council:*

*WHEREAS, the City Council of the City of Milford has heretofore enacted the "Solid Waste Management Ordinance" which is codified as Chapter 193 of the City of Milford Code of Ordinances; and*

*WHEREAS, under the authority of this Chapter, the City's Public Works Department shall provide Solid Waste Disposal services for its residents and customers and make recommendations as to the collection, recycling, and disposal of associated waste and materials within the City and amendment or repeal of any and all rules, regulations and ordinances otherwise necessary or desirable for carrying out its purposes; and*

*WHEREAS, the City Council of the City of Milford possesses the authority to enact changes needed for the collection and disposal of solid waste, recyclable material and yard waste within the City; and*

*WHEREAS, the City Council finds that the adoption of updated provisions regarding the collection and disposition of solid waste, recyclable material and yard waste in the City is in the best interest of the health, safety and welfare of the citizens of the City.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Chapter 193 - SOLID WASTE MANAGEMENT  
ARTICLE I - General Provisions*

*Section 1. Article I Section 193-1 Mandatory Residential Collection is hereby amended by adding a new paragraph 193-1(B) as indicated:*

*Section 2. Article I Section 193-4 Special and Holiday Collections is hereby repealed in its entirety and subsequent sections of this Chapter are appropriately renumbered:*

*Section 3. Article I Section 193-7-Supplemental Regulations is hereby retitled and amended to read as indicated:*

#### *ARTICLE II - Solid Waste*

*Section 4. Article II Section 193-11 Collection and Rate Schedule is hereby amended by rescinding Paragraph 193-11(B) and all subsequent paragraphs of this Section are appropriately renumbered:*

#### *ARTICLE III - Yard Waste*

*Section 5. Article III Section 193-15 Collection Schedule is hereby rescinded in its entirety as indicated and all subsequent sections of this Chapter are appropriately renumbered:*

#### *ARTICLE IV- Recycling*

*Section 6. Article IV Section 193-19 Collection Schedule is hereby rescinded in its entirety as indicated and all subsequent sections of this Chapter are appropriately renumbered:*

#### *ARTICLE V - Bulk Items*

*Section 7. Article V Section 193-23 Collection and Rate Schedule is hereby retitled and paragraphs 193-23(B) and 193-23(C) rescinded and a new paragraph 193-20(B) added as stated:*

#### *ARTICLE VI - TEMPORARY SUSPENSION OF SERVICES*

*Section 8. Dates:*

*Introduction: 10-10-2016*

*Adoption (Projected): 10-24-2016*

*Ordinances become effective no earlier than ten (10) days following adoption*

City Manager Norenberg referred to a number of sections of the Solid Waste Code that have been updated as proposed by Public Works Director Mark Whitfield and recommended by the Public Works Committee at their meeting last week. The ordinance is scheduled for adoption at the October 24<sup>th</sup> Council Meeting.

#### *DEMEC/Municipal Electric Utilities Renewable Portfolio Compliance Report*

City Manager Norenberg advised that DEMEC (Delaware Municipal Electric Corporation) has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2015-2016 program year on behalf of its nine Municipal Electric Utilities. Per state statute, the Municipal Electric Utilities Renewable Portfolio Compliance Report must be submitted to each legislative body and the reason it is being presented to Council this evening.

#### EXECUTIVE SESSION

Councilmember Morrow moved to recess into Executive Session reference below permitted statute, seconded by Councilmember Mergner:

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Matters)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:47 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 7:59 p.m.

*IBEW Contract Negotiations*

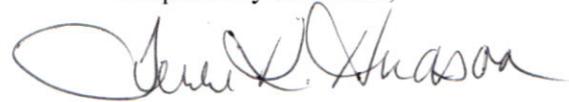
Mayor Shupe announced that no action is needed as a result of the Executive Session discussion.

ADJOURN

There being no further business, Councilmember Peel moved for adjournment, seconded by Councilmember Mergner. Motion carried.

The Council Meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC  
City Clerk/Recorder