

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 22, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, January 22, 2018.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilmembers Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Douglas Morrow and James Starling Sr.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 6:08 p.m.

EXECUTIVE SESSION

Councilmember Brooks moved to go into Executive Session reference the below statutes, seconded by Councilmember Mergner:

Pursuant to 29 Del. C. §10004(b)(4) Collective Bargaining Matters
Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Motion carried.

Mayor Shupe recessed the Council Meeting at 6:09 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 7:26 p.m.

Collective Bargaining Matter-Police Teamsters Negotiations

No action needed.

Personnel Matter-Salary Increase

Councilwoman Wilson moved to authorize the increase that was discussed for the Police Chief in Executive Session, seconded by Councilman Mergner. Motion carried.

ADJOURNMENT

There being no further business, Mayor Shupe adjourned the City Council Meeting at 7:27 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 22, 2018

Milford City Council held Public Hearings on Monday, January 22, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilmembers Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Douglas Morrow and James Starling Sr.

Mayor Shupe called the Public Hearing to order at 7:28 p.m.

Planning Director Rob Pierce was also present.

ORDINANCE 2017-20

Amends Chapter 180-Residential Rental Operation License

Allows Transfer of License during Licensing Period upon Payment of Administrative Fees

Planning Director Pierce recalled that from the November 13, 2017 meeting, a few recommended changes in the ordinance were discussed. One was removed and two main amendments are before Council this evening.

The first one will be moving the annual license from the codified ordinance to a fee schedule which summarizes the planning and zoning fees in one document. The other amendment involves language regarding the ability to transfer a license between landlords. Previously, if a property was sold midyear, the landlord would have to reapply and pay the entire license fee. This provides an allowance for a transfer between the landlords for an administrative fee of \$50.

Councilwoman Peel confirmed this includes everything that was discussed. Planner Pierce explained the language requiring the landlords to request an inspection between tenants was removed because the 1st and 2nd Ward Councilmembers and landlords did not favor the change.

City Manager Norenberg added there were also some reasons the ordinance has to be readvertised and a second public hearing scheduled tonight.

Councilman Mergner confirmed the proposed amendment does not address the inspection agreement; Planner Pierce pointed out the effective ordinance in place already includes those provisions.

There being no further questions from City Council, Mayor Shupe opened the floor to public comments.

Joe Wiley of 202 Lakeview Avenue stated he is in favor of the ordinance and appreciates the idea of not charging the landlords double the fee in a given year as has been done in years past.

Sam Passwaters of 317 Columbia Street stated that he agrees with Mr. Wiley's comments.

No one wished to speak against the ordinance.

Councilwoman Peel then moved to adopt Ordinance 2017-20 amending Chapter 180, making adjustments to the fee schedule and transfer administrative fee, seconded by Councilman Burk:

CHAPTER 180
RESIDENTIAL RENTAL OPERATING LICENSE

Section 1. Section 180-5. Application for rental operating license and agreement to comply is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

- C. It shall be unlawful for any person to operate any rental dwelling without obtaining a rental license from the Licensing Division of the Department of Planning and Inspections City in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be \$50 for each unit. set by City Council as part of the City Fee Schedule.

Section 2. Section 180-6. Contents of applications is hereby amended by removing text indicated in strikethrough and incorporating new text in bold and red as follows:

- D. Landlord's name, mailing address, and telephone number, email address, website and leasing agent contact information, if different from the landlord.

Section 3. 180-7. Regulations for issuance of licenses is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

- C. Timing for reapplication.
- (1) Application to renew a rental operating license shall be made at least 60 days prior to the expiration date of the current license.
 - (2) When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.

Transfer of license. If a rental property is purchased or sold during the annual licensing period, the license may be transferred from owner to owner upon payment of \$50 for administrative expenses. Purchaser must make application as outlined in §180-6.

- D. Every rental unit owned shall have a "caretaker" designated by the owner.
- (1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.
 - (2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code Enforcement Official at the rental unit within 48 hours of receipt of notice from the Code Enforcement Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.

Section 4. 180-8. Inspections is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

- A. The Code Enforcement Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), Building Construction (Chapter 88), Zoning (Chapter 230) and other City codes.
- B. When such inspections are deemed necessary, the Code Enforcement Official will provide at least 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
- C. A rental unit shall be deemed to be not in substantial compliance if:
- (1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.
 - (2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health,

safety, and welfare of the occupants.

- D. When the Code Enforcement Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.
- (1) If an inspection needs to be cancelled or rescheduled, the Code Enforcement Official must be notified by 8:30 a.m. the day of the inspection 4:00 p.m. the day before the inspection.
 - (2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of \$100 \$50 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.
- E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of \$50 per inspection will be imposed.

Section 5. 180-9. Violations and penalties; enforcement is hereby amended by removing text indicated in strikethrough as follows:

- A. Penalty for violation.
- (1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Enforcement Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000. The minimum fine is not subject to suspension or reduction.
 - (2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.
- B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.
- C. If any of the cited violations are not remedied, the Code Enforcement Official shall revoke the residential rental operating license.

Section 6. Dates.

City Council Introduction: September 25, 2017

City Council Public Hearing: November 13, 2017, January 22, 2018

City Council Public Hearing: January 22, 2018

Adoption: January 22, 2018

Effective: February 1, 2018

Motion carried by a 6-0 roll call vote as indicated below:

Councilman Mergner votes yes to approve Ordinance 2017-20 as it seems to make sense for all parties.

Councilman Campbell votes yes to approve the changes to Chapter 180 as indicated in Ordinance 2017-20.

Councilwoman Peel votes yes adding it makes sense to clean up the scheduling fees that are collected and to lessen the burden for those purchasing multiple rentals.

Councilman Burk votes yes adding there is a benefit to listening to our constituents and property owners.

Councilman Brooks votes yes mainly because no one spoke against it.

Councilwoman Wilson votes yes based on the Planning Director's recommendation.

*ORDINANCE 2017-23**Glenn and Donna Watson for a Conditional Use**Allow Multiple Permitted uses on .253+/- acres in a C2 (Central Business) Zoning District**Northeast Corner of NE Front Street & N Washington Street Intersection**111 N Washington Street, Milford, Delaware**Present Use: Office; Proposed Use: Office & Restaurant.**Tax Map MD-16-183.10-03-71.00 & -72.00*

Planner Pierce reported that the applicant proposes to convert an existing 3,940 square foot commercial, single occupancy building within the central business district into a two-suite commercial structure. The building will remain the current size but will undergo interior and exterior renovations. The new use will include a twenty-four-seat restaurant along with 1,892 square feet of office space. Because the property is located within the C-2 zoning district, it does not require off-street parking though the property contains thirteen off-street parking spaces.

The applicant has provided ADA accessible parking and entrances to the commercial building. The project is located within the City's Downtown Development District. The affected commercial structure is located across two separate properties at this time. Although the proposed uses are permitted uses within the C-2 zoning designation, Chapter 230-45 states that in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements.

A location and zoning map were included in the Council packet, along with a copy of the site plan. Also included is an evaluation based on the criteria found under Chapter 230-48.

The application was reviewed by the Planning Commission at a Public Hearing held on December 19, 2017. At that time, approval was recommended by unanimous vote.

The City Engineer has reviewed the site for compliance with Construction Standards and some minor improvements are being made though it mainly involves striping and widening of the entrance which presently permits passage of a single vehicle.

The public notice was published in the Milford Beacon on November 29, 2017 and all properties within 200 feet of the subject parcel received notice of the two public hearings.

Councilman Mergner confirmed the site has its own private parking area for thirteen off-street parking spaces in addition to some parking along the front area.

It was confirmed that the restaurant area would be in the area that presently possesses garage-type doors.

Councilman Mergner asked if the sidewalk will continue to be maintained on the Washington Street side; Mr. Pierce noted that based on the condition of the sidewalks, the City would recommend replacing them due to the change in the entrance and curbing. However, he believes the sidewalks are in fair condition.

Applicant Glenn Watson of 4885 Mills Road, Milford, stated that his wife and he have the Remax Real Estate Office and Watson Auction at this site. They are planning to move the real estate office into one half of the building; open a barbeque and deli/restaurant with seating for twenty-two patrons. There is existing parking even though the current zoning does not require it. In addition, there is a municipal parking lot that can be used directly across from the site on Washington Street.

There being no further questions for the applicant, Mayor Shupe opened the floor to public comments.

Joe Wiley of 202 Lakeview Avenue stated that he and his wife Renate own seven downtown properties. He has discussed this application with the owners of the businesses who overwhelmingly support the proposed restaurant and believe it fits well within the strategic plan for that area. As a result, he, along with the store owners, are in favor of the application.

Sam Passwaters of 317 Columbia Street stated that he owns 17 to 19 Walnut Street properties in the downtown area. He is 100% in favor of this application adding that Mr. and Mrs. Watson have been excellent business people in Milford and he

only sees this as a plus.

No one opposed to the ordinance was present to speak. Mayor Shupe then closed the floor to public comment.

Councilman Burk moved to adopt Ordinance 2017-23 to allow multiple uses at 111 North Washington Street adding that this is a good opportunity for our downtown and thanked the owners for taking the chance and renovating the building, seconded by Councilman Mergner:

ORDINANCE 2017-23

Glenn and Donna Watson for a Conditional Use

Allow multiple permitted uses on .253+/- acres in a C2 (Central Business) Zoning District
Property is located at the Northeast corner of the Northeast Front and North Washington Street Intersection
111 N Washington Street, Milford, Delaware
Present Use: Office; Proposed Use: Office & Restaurant.
Tax Map MD-16-183.10-03-71.00 & -72.00

Section 1. Upon the adoption of this ordinance by City Council, Glenn and Donna Watson are hereby granted a Conditional Use Permit to allow multiple permitted uses on a property, in accordance with the application, effective on the date so noted.

Section 2. Dates.

Planning Commission Review & Public Hearing: December 19, 2017

City Council Introduction: December 11, 2017

City Council Public Hearing: January 22, 2018

Adoption: January 22, 2018

Effective: February 1, 2018

Motion carried by the following 6-0 roll call vote:

Councilman Mergner votes yes to approve Ordinance 2017-23 based on the recommendation of the Planning Commission.

Councilman Campbell votes yes to approve based on the recommendation of the Planning Commission and betterment of Milford's downtown.

Councilwoman Peel votes yes stating that she believes they have a good reputation for running a successful downtown business and appreciate the investment and the updates to the property.

Councilman Burk votes yes adding it is a great opportunity and thanked Mr. and Mrs. Watson for reinvesting in Milford's downtown.

Councilman Brooks votes yes for the reasons the other four Councilmembers stated.

Councilwoman Wilson votes yes, adding she has known Mr. Watson forever and misses the auction though she knows this will also be a successful business at the site.

ORDINANCE 2017-24

2018 Comprehensive Plan

City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Comprehensive Plan for the City of Milford, which articulates an overall vision for the community's future, including goals, objectives, policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on May 16, 2017 and September 19, 2017 and, at its meeting on December 19, 2017 will recommend approval and adoption of the 2018 City of Milford Comprehensive Plan by Milford City Council at their January 22, 2018 meeting.

Planner Pierce thanked the City's Planning Commissioners for all their hard work and effort in updating the Comprehensive

Plan. He shared that they met many, many hours, before and after meetings, to review and update the Plan. He would also like to thank the University of Delaware who was hired to assist, and in particular BJ DeCoursey and Phil Barnes and staff, who helped produce what he feels is a very good document.

Mr. Pierce referenced a memo in the Council packet that outlined the meeting dates from when this process began in April 2016. It included some Planning Commission training facilitated by Solicitor Rut and assisted by Deputy City Clerk Christine Crouch, through the final December 2017 Public Hearing, at which time the Planning Commission recommended adoption of the document.

Including tonight's hearing, the City has held seven public meetings, five public hearings and three community workshops regarding the draft plan.

A detailed presentation was made to City Council on June 26, 2017 outlining the major components of the draft plan, including specifics on housing, transportation, demographics, open space, natural resources, community services, infrastructure, land use and related goals and objectives.

The final draft was submitted to the Office of State Planning Coordination for PLUS Review. Those comments are included in the Council packet along with the Planning Commissions' responses to those comments.

Also included was a copy of the June 26, 2017 City Council Public Hearing Minutes.

The primary revisions since June include adding a position statement on housing and population growth. Also added were some additional objectives and implementation strategies for the goals and stronger language in the future land use and zoning sections.

The draft will require some minor additions regarding the final adoption process and the public meetings, along with some additional photographs. Council is seeing the final text version this evening.

He also referenced the changes since the Plus resubmission, highlighted in yellow.

Upon adoption, final copies, including revisions and additions previously mentioned, will be forwarded to the State Planning Office and to the Governor's Office for certification.

The Comprehensive does not become effective until Governor Carney certifies it.

Throughout the process, the properties that could be potentially impacted by the land use changes were highlighted. Some were carry overs from the 2008 plan that should have been rezoned at some point.

He referenced six exhibits that provide details on 41 properties that could require a zoning change as a result of the Comprehensive Plan, in addition to the many housekeeping items from the 2008 plan. Others include specific requests from property owners.

All potential changes have been reviewed by the Planning Commission who are familiar with those properties.

The draft plan addresses the concerns highlighted by Council at the June 2017 Meeting. There was a lot of discussion on the land use around the Bayhealth Clarke Avenue Facility at that time and in particular, some discussion that the area be made moderate density residential. It was agreed it would remain as it presented in the 2008 plan which means a change of zone request could be submitted for an H-1, I-M or I-S designation.

There was significant discussion at the meeting because some of the properties were zoned OB-1, I-1 and residential, which appeared to be a hodgepodge of zoning categories. The recommendation was to make them consistent with one zoning/land use type which in this case would be employment and would allow H-1, I-M or I-S. It also involves a couple medical offices that should be OB-1 instead of H-1.

The City also received a request for a property adjacent to the Milford School District property to become C-3/Highway Commercial to solidify that corner.

Mr. Pierce noted that part of the discussions involved allowing commercial rezoning along the entire stretch going south on Route 113 to Milford Ponds. Presently, they are all residential and in order to change to a different use, they needed the OB (office building) zoning though his recommendation would be to convert them into some type of commercial category.

Also some residential properties and single family residential houses on South Walnut were recommended to be designated low density residential instead of moderate density to match the existing uses of those properties.

Some interest from property owners along South Rehoboth Boulevard area was expressed involving some old non-conforming industrial parcels where a recommendation was made in the 2008 plan to make them commercial. That has been carried over and the Limited Industrial Zoning would be changed to some sort of Highway Commercial Category in order to provide more commercial options along that corridor. The existing uses would remain and align with the C-3 designation.

A limited industrial parcel where the current Napa Auto Parts exists, have requested a change to commercial designation as well. Another H-1 parcel should become OB-1.

He emphasized that a lot of the changes are more housekeeping-type amendments to comply with their actual uses.

Councilman Burk stated that both Councilman Peel and he have reviewed the current Milford Hospital site. Councilwoman Peel confirmed that each is the footprint of the existing hospital and what Nationwide plans. Mr. Pierce referenced the site on the map and the parcels in the 2008 Comp Plan that shown to be Institutional or Employment designations. At that time, he stated that they should have been rezoned H-1 (hospital's current zone), I-S (institutional service) or I-M (similar to a lighter version of the I-S) over the past decade, though it was never done.

Various uses could be requested at the time of a zoning change, including R-8 in the I-S/I-M designation which could be housing at eight units per acre.

Mr. Pierce emphasized approval of the Plan does not change the zoning of these properties. Instead, a Change of Zone application would have to be submitted, which involves a notice that is properly advertised and mailed to adjacent property owners within 200 feet.

He reiterated there is a need to clean up the various zoning categories and make them consistent with the surrounding properties, which in this case would be H-1 though other changes could be considered at a future time.

The Planner then verified that the nearby properties are not designated high or moderate residential density in the Comp Plan. The plot along Jefferson Avenue by the railroad tracks remains commercial and is presently zoned C-2.

Councilwoman Wilson recalled several area residents expressing their concerns. However, they did not realize, nor did Councilwoman Wilson realize at the time, that the current zone allows commercial uses. Mr. Pierce added that is correct and there is a combination of houses being used for offices, along with some old industrial buildings and vacant lots in the area. Those lots could legally be developed for commercial or office building uses. The goal is to make them consistent with one another instead of the four zoning categories that presently exist within the one block range.

Anyone wishing to change the zone, would be required to go through the application and public hearing process, which could be months down the road.

Councilwoman Peel thanked Mr. Pierce for considering their feedback from the last public hearing.

The Planner then noted that other changes included some of the Growmark properties that were vacated over the past decade and are presently zoned I-2 (general industrial). They are interested in making a transition to a commercial type zoning where something could be developed consistent with the surrounding properties.

He referenced the large I-1 property in the 2008 plan that was moderate density residential. However, that remains and any request to an R-3 or R-8 would also require the application/public hearing process.

There are also some small homes that are zoned neighborhood commercial but should be consistent with the neighboring residential zoning districts.

The Milford Armory does not have to be rezoned because there is some flexibility in the plan allowed by the Planning Commission and City Council though it may later need to be changed for neighborhood office uses at that site.

Mr. Pierce concluded his review and his emphasis was on the 41 properties that could be considered for a zoning change as a result of the new Comprehensive Plan. However, he does not believe there are any controversial issues due to the amount of time the Planning Commission put into their review and who are eager to start implementing some of the recommendations and goals.

Councilman Burk thanked Planner Pierce for the hard work.

There being no further questions from Council, Mayor Shupe opened the floor to public comments. No one wished to speak in favor or in opposition of the 2018 Comprehensive Plan. The Public Hearing was then closed.

Councilman Burk moved to adopt Ordinance 2017-24, approving the Comprehensive Plan for the City of Milford as presented, to be effective on the date the Governor certifies the Plan, seconded by Councilwoman Wilson:

ORDINANCE NO. 2017-24
2018 COMPREHENSIVE PLAN

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development; and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion, and further requires that certified Comprehensive Plans be revised, updated and amended as necessary, and readopted on a ten-year cycle; and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2008, as amended, and requires revision to account for physical changes and revitalization accomplishments which have since occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Comprehensive Plan for the City of Milford, which articulates an overall vision for the community's future, including goals, objectives, policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on May 16, 2017 and September 19, 2017 and, at its meeting on December 19, 2017 recommends the 2018 City of Milford Comprehensive Plan be adopted by Milford City Council at their January 22, 2018 meeting; and

WHEREAS, the 2018 City of Milford Comprehensive Plan will be the foundation for revision or improvement of the City's Zoning Ordinance, Subdivision Regulations, Housing and Maintenance Codes, Capital Improvement Program, Community Development Program, Public-Private Agreements, Potential Annexation Plans, Strategic Plan and other implementation tools; and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Plan on January 22, 2018, at which time the 2018 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the 2018 City of Milford Comprehensive Plan is hereby adopted this 22nd day of January 2018 and effective immediately upon its Certification from the Governor of the State of Delaware.

Dates:

Planning Commission Recommendation of Approval: December 19, 2017

Adoption: January 22, 2018

Effective: Governor Certification Date

Motion carried by the following 6-0 roll call vote:

Councilman Campbell votes yes based on the amount of work the City Planner and Planning Commission have put into the Plan.

Councilwoman Peel votes yes adding she appreciates the City Planner taking the time to listen to the concerns that were expressed, and make those updates as a result.

Councilman Burk votes yes and thanked the public for coming out to the workshops and providing feedback on the future planning and zoning of the City of Milford.

Councilman Brooks votes yes because it was needed.

Councilwoman Wilson votes yes, and agrees with all the reasons stated by her fellow Councilmembers and agrees that consistency is a good thing, and the plan is creating that.

Councilman Mergner votes yes to adopt the plan adding there has been a lot of work and time put into it, and commends the amount of thought and dedication in this project over the last many months. He appreciates everyone's involvement adding that Mr. Pierce and his staff did a great job.

FINAL MAJOR SUBDIVISION

DR Horton Homebuilders on behalf of RB Land Holding LP and D R Horton Inc-New Jersey

Revised Final Major Subdivision known as West Shores at New Milford

38.00+/- acres

Relocation of three property lines associated with lots 49, 50, 58, 59, 60 & 61 to eliminate encroachments into the side yard setbacks for three structures currently under construction

North side of Wilkins Road between Elks Lodge Road and Cedar Creek Road

R2 Zoning (Residential District)

Tax Map 3-30-11.00-006.06, -857.00 thru -967.00.

Planner Pierce reported that the public notice was published in the Milford Beacon on November 29, 2017, and all properties within 200 feet of the entire subdivision received the public notice for the previous Planning Commission and tonight's City Council meeting.

The applicant is requesting approval to revise the final subdivision record plan for the West Shores at New Milford Subdivision in order to eliminate three side yard setback encroachments, that resulted from a survey stakeout error during the construction of a few of the dwelling units currently being built.

The result of the revised record plan would shift the property lines between lots 49 and 50, 58 and 59 and 60 and 61 and eliminate these encroachments. A few other encroachments into the front and rear setback areas were reviewed and granted by the Board of Adjustment.

The revised Final Major Subdivision record plan is consistent with previous approvals and lot area regulations for the West Shores at New Milford record plan. Lots 50, 58 and 61 have increased in size and lot width, while meeting Chapter 230 Zoning requirements. Lots 49, 59 and 60 will be reduced in size but are consistent with the previously approved

corner lot areas within the West Shores Subdivision.

Staff has no objection to the proposed modifications.

The Planning Commission held their Public Hearing on December 19, 2017 and recommended approval by unanimous vote.

It was noted that West Shores has been planned for possibly ten years though DR Horton has come in within the last six months and started purchasing lots. Since that time, the City has issued more than twenty building permits. They waited for tonight's approval before they began their official marketing plan.

Jeff Harmon of Becker Morgan Group of 312 West Main Street Salisbury, Maryland, was present to represent the application. He reported that a few lot lines had to be adjusted so that the homes being constructed would comply with the side yard setbacks. In addition, a few variances have been granted for exceptions that were needed for front yard setbacks.

Mr. Harmon emphasized that the builder committed to not selling any of the homes until a favorable approval is received from City Council. That prevents anyone from purchasing a home with any land issues. There are some interested buyers though the contracts have not yet been signed in order to be completely open and honest and assure the potential buyers that any concerns would be addressed.

He continued by advised the homes are mostly complete at this point in time. A lot of the interior drywalls have been completed and many are at the point of finishes. One of two homes have been completely closed in though work continues on interior plumbing and electric.

There are other homes, besides the ones impacted, that are presently under construction. The builder is anxious to start selling their homes and see homeowners begin to move in.

Mayor Shupe then opened the floor to public comment. No one responded and the Mayor closed the Public Hearing.

Councilman Burk moved to approve the Revised, Final Major Subdivision for West Shores at New Milford, seconded by Councilman Campbell. Motion carried by the following 6-0 roll call vote:

Councilwoman Peel votes yes in favor of the revised plan per the recommendations and the builder making the adjustments that are required.

Councilman Burk votes yes and favors cleaning up any problems in advance of sale and appreciates the builder waiting until after approval is granted to finalize contracts.

Councilman Brooks votes yes because this cleans up the subdivision.

Councilwoman Wilson votes yes based on the information provided by the Planner and Applicant Representative this evening.

Councilman Mergner votes yes, also based on the information as provided, which cleans up any outstanding issues and getting it done.

Councilman Campbell votes yes adding this has been in the works for many, many years and recalled discussing this when he was on the Planning Commission when it was first presented, and is pleased with its progress today.

ADJOURNMENT

Councilman Mergner moved to adjourn the Public Hearing, seconded by Councilwoman Peel. Motion carried.

The Public Hearing adjourned at 8:07 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 22, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 22, 2018.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilmembers Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Douglas Morrow and James Starling Sr.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 8:09 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Wilson.

RECOGNITION

Milford Cub Scouts

Mayor Shupe announced that he met and was interviewed by a group of Cub Scouts earlier this evening who are working on their Arrow of Light Rank.

COMMUNICATIONS & CORRESPONDENCE

Councilman Burk reported that he received some correspondence which were forwarded to the City Clerk to add to the packet (see packet). Several other Councilmembers also received them the emails from Roberts, Lebright and Davis.

UNFINISHED BUSINESS

Residential Rental Inspection Program/Inspection Agency Approval and Funding Appropriation Authorization

Planning Director Rob Pierce informed Council that he is presenting a culmination of items that have been discussed on numerous occasions over the past two plus months. He recalled that during September and October 2017, the Planning Department solicited proposals from qualified firms for Residential Rental Inspection Services. The Department received one proposal in response to the Request for Qualifications from First State Inspection Agency, Incorporated (FSIA). The Council Packet includes a copy of the submission.

Staff reviewed the submission and found the firm qualified to perform the work as outlined in the RFQ documents. The City met with the firm and negotiated a unit price of fifty dollars per inspection (initial or follow up) as is outlined in the draft contract/agreement.

Staff recommends utilizing a third-party inspection agency to perform all rental unit inspections over a two-year period. The Department will use the county boundaries to divide the rental inspections into two geographic areas. Sussex County has approximately 600 rental units, while Kent County has approximately 1,040.

Due to the delay in implementation during the 2018 calendar year, staff recommends performing Sussex County inspections

in year one and Kent County inspections in year two. Upon completion of the two-year program, Mr. Pierce's recommendation is to transition into a four-year inspection cycle based on Ward boundaries beginning with Ward 1 and ending with Ward 4. The two-year inspection contract is a one-time expense that can be paid by general fund reserves using the excess FY2018 building permit revenues. Staff estimates the cost to be approximately \$131,200.00.

Mr. Pierce reported that the hiring of an additional Code Official was also discussed to assist with the inspections. It has been recommended a second Code Official be hired to assist the Department with property maintenance, rental inspection, and zoning enforcement. At the end of the two-year period, the two full-time Code Officials would take on the responsibility of the four-year inspection approach. He also recommends accepting the HUD inspections for those subsidized housing units that receive either state or federal inspections. As a result, the rental inspections required in the Rental Inspection Services Contract and in-house inspections would be reduced.

A second Code Official would cost approximately \$75,000 in salary and benefits annually. Since this is not a one-time expense, staff recommends reviewing the financial impact of this position during the upcoming FY2019 budget review. If Council wishes to hire an additional Code Official before the end of the fiscal year, the approximate cost will be \$6,300 per month. It is estimated it will take several months before the position can be filled. If approved this evening, the anticipated start date would be May 1, 2018.

Mr. Pierce noted that the Department has been performing rental inspections internally since 2008, but has not had sufficient staffing levels to proactively complete all inspections as was intended under the adoption of the amendments to Chapter 180 approximately ten years ago.

Each rental inspection includes general exterior, general interior, structural, plumbing, electrical and fire inspections as outlined in the International Property Maintenance Code (IPMC) 2015.

The City will provide landlords with information related to the inspection guidelines and scheduling procedures in advance of any scheduled inspection. The same information will be provided on the Department's website.

During the initial two-year period, the majority of the administrative functions of the rental inspection program will be performed by the inspection agency, including the scheduling of initial and subsequent reinspections. Properties that do not comply after reinspection will be forwarded to the City's Code Officials for formal issuance of violations. The City will issue violation notices to those property owners who fail to respond, register or remedy infractions after their reinspection is completed. Said violations would be subject to the fines and penalties outlined in Chapters 174 and 180 of the City Code.

He recommends Council authorize Mayor Shupe to execute the contract for residential rental inspection services with First State Inspection Agency for a period of twenty-three months, terminating on December 31, 2019 and a motion to appropriate \$131,200 from the general fund reserves from additional permit revenues collected during FY2018 to fund this program through the end of 2019.

He would also evaluate the impact of an additional City Code Official when preparing for the budget. Mr. Pierce feels it is very important to look at all the components in the City when that decision is made.

Councilwoman Peel asked if there was more thought put into how the checklist would be adapted to include a point system.

Mr. Pierce said he met with Kathy Stetson, retired Code Official from Tukwila, Washington, after the last meeting. He felt the suggestions would include some items that made it more difficult. A hybrid could be done though the Planner felt it would become even more complicated. Most of the items on the checklist are safety and health related and his department is already proactively reporting back and sending violations on exterior concerns. This will provide the Code Officials in the field an extra set of eyes for exterior problems as well.

He noted that the Department is already regularly enforcing grass and weed violations included on the checklist.

Councilman Burk stressed that he prefers life safety issues be the main focus of the inspection. Historically, that is the purpose of rental inspections and not items like flaking paint, unless it involves lead paint inside the house.

The Councilman felt that Ms. Stetson's emphasis was more on life safety issues versus aesthetics. He asked the goal of the program and whether it is aesthetics or safe houses; Mr. Pierce responded by stating the only difference between the rental inspections and a regular property maintenance inspection would be the interior items. He thought Council's intent was to be more proactive with exterior violations on all properties in Milford. As a result, properties have been written up regardless of if they are owner-occupied or rentals, and involve items such as flaking paint, rotting wood, overhangs or accessory buildings that are falling apart, etc. However, if that is not Council's intent, he would ask for more clarification on their direction.

Councilman Burk felt the feedback from the property owners was that a missing screen should not be the reason to fail a rental inspection. He agrees that life safety issues are priority versus aesthetics or flaking paint when it comes to the occupants of rentals.

The Councilman recalled that the intent when this ordinance was implemented was to ensure our residents lived in safe rentals versus a beautiful home. In his position, he does not weigh chipping exterior paint in comparison to a structural problem. He emphasized that an accessory structure like a shed does not impact what is happening inside the rental.

Planner Pierce feels that is no different than the City's Code Official riding down the street and writing a property up and issuing an official violation. Working with the consulting firm or even an in-house inspector would allow safety issues to be remedied much more quickly and without going through a formal process. For example, the inspection is done and the landlord agrees to a time frame to remedy those issues.

He stressed that unless it is a life safety issue, the City is not going to force anyone out of a home. Instead, they will be given 30 days or 90 days to comply as would be agreed to by the landlord. If they do not comply, at that point a formal violation on the exterior would be issued, as is the everyday practice in the City of Milford.

Councilman Mergner asked if the City is charged for a second inspection if the property fails; Mr. Pierce explained that inspections will not be done over and over and instead his Department will eventually issue an official violation.

Councilman Burk recommends indicating the issues on the checklist that are life safety issues though he agrees we don't need to go to a full point system. However, it is important that everyone understands what is expected.

The Planner stressed that the intent is not to make pristine houses. Instead, the intent is that the home meets minimum housing standards which are outlined in the Property Maintenance Book.

Mr. Pierce then discussed the process on handling various problems, which are typically outlined in the Property Maintenance Code, and often involves some type of mediation with the landlords and tenants.

Councilman Brooks asked if a gatekeeper is required; Mr. Pierce stated that caretakers are listed on the initial rental application and any changes must be reported. He added that an average inspection in a normal situation is approximately twenty minutes.

Councilwoman Peel noted the target date established to complete all the rental inspections in an expedited manner. She asked if the City is targeting landlords and renters over owner-occupied properties. Solicitor Rutt noted there is a completely different obligation between a landlord and tenant versus a person who owns their own home. Landlords have obligations under the Landlord-Tenant Code of the State of Delaware to ensure they have a safe, livable and habitable unit. The City then ensures it meets those requirements. If an individual who owns a house, wants to live in a hovel, that is their decision.

The Planner then reviewed exterior life safety issues. He said that structural members could be life safety issues such as a significant failure in the foundation walls. He said that locked doors and egress may not be life safety, but may be considered urgent depending on the situation. For example, if the rear door or even an interior door will not open could create potential fire safety hazards. A severe infestation could cause a unit to be unfit for human occupancy. If a building has no heat that could be an issue depending on the weather. Electric equipment improperly installed; clothes dryer exhaust and smoke detectors can also be potential issues.

Councilman Burk agrees that smoke detectors are always a life safety issue.

Mr. Pierce noted that several items are mentioned more than once in the list. If trimmed down to the main item, it would most likely involve a page to a page and a half. Councilman Mergner still believes the information is vague and could be misconceived.

Mr. Pierce pointed out that it appears to be vague on the checklist, but is clarified in the actual code book. Councilman Mergner feels that three different inspectors may have three opinions. He sees that everyday and many things are left up to interpretation which is his concern.

Mr. Pierce said that most of the problems are very obvious and there is very little argument.

When asked if Mr. Pierce is recommending two outside inspectors and one in-house, he responded by stating that he prefers to start with the contracted inspectors in an effort to catch up with the backlog of inspections. That is because it has not been handled proactively since the adoption of the ordinance in 2008. The four-year cycle would begin once all the inspections were completed.

Councilwoman Wilson recalled that after hours of yet another conversation, she thought there was a consensus the last time this was discussed to move forward with the contractor for either one or two years and at some point, hire a full-time inspector to provide two City Code Officials who would be able to take over the inspections once they were caught up.

Mr. Pierce agreed stating that is what has been presented.

Councilwoman Wilson though Council was in agreement with that.

Mr. Pierce said he considered fairness and believes that three years will make it difficult. Instead, Kent County will be inspected one year and Sussex County the next year. That will take the City to the four-year ward approach which is something recommended by Kathy Stetson from her past experience. That provides a predictable four-year cycle and fair span for inspections. However, the goal at this point is to catch up with the help of a consultant until we can get to that point. If someone is hired in the meantime, that inspector can also assist with the inspections.

The Planner emphasized that the First State Contract is not a guaranteed amount and instead is based on a per inspection cost. If we are able to get through these inspections, and are able to start handling internally, that ability will be available as well.

Councilman Burk stated that if he understands this correctly, a new City Inspector will not be considered until the budget hearings began. Mr. Pierce explained that is a decision that City Council will need to make.

City Manager Norenberg said the option in the memo is to fund out of this year's budget for May and June, which is as early as we would be able to hire a new employee. The recruitment could be started and about the time we are going through the budget process, the financial impact on FY2018-19 will be known.

When asked if the contract can be terminated during the time frame, Mr. Pierce explained that his Department would simply stop requesting inspections though he prefers they be given a notice out of professional courtesy.

It was confirmed the consensus at the last Council meeting was to proceed with both plans. Start the First State Inspection Agency contract as soon as possible and if Council wishes to hire an in-house employee, begin the recruitment process with an approximate hire date of May 2018 while reporting on the fiscal impact of the second Code Enforcement Official.

Mayor Shupe asked if we should wait until we are in the budget process to make a decision to hire a second Code Official versus hiring someone now and finding out two months from now it will not work out, as was done a few years ago. Councilwoman Wilson feels there is enough support to hire the additional Code Official and to continue their financial support into the next budget. Councilman Burk agrees adding that he received feedback from a number of constituents who want the rental inspections done by an in-house employee.

Councilman Burk said his hangup at this point are the items that would cause an inspection to fail. The main items in his opinion are an inoperable heating system, electrical and smoke detectors and no water and/or no hot water. Items such as

exterior chipped paint or a dilapidated shed he feels is only aesthetics.

Mr. Pierce asked if Council recommends overlooking those items; Councilman Burk feels the issues simply need to be prioritized.

The City Manager understands that message considering it has been mentioned numerous times by Council and members of the public. He noted that Mr. Pierce stated at a number of meetings that the City's intent is not to fail a property to force a tenant and family onto the streets. There is no intent to disrupt people's lives but we do want to make sure our residents are living in safe conditions.

Mr. Norenberg agrees there are definite life safety issues that should fail as Councilman Burk alluded to. Those aesthetic issues can be worked on over a period of time without a person being forced out of their home. In addition, the City will work with the owner on that time frame. The City's goal is to have everyone on the same page and be consistent and fair with the process. Any inconsistency that is found will definitely need to be corrected.

Councilwoman Wilson moved to authorize Mayor Shupe to execute the provided contract for Residential Rental Inspection Services with First State Inspection Agency, Inc. for a period of two years and that we begin the process to hire a second in-house Code Official, who along with the current Code Official, will be able to takeover the annual inspections once completed, seconded by Councilman Campbell. Motion carried by the following 4-2 roll call vote:

Councilman Mergner votes no and does not approve of outsourcing the inspection duties because there will be too many inconsistencies. He feels there will be a big gap in communications between an outsourced company and our in-house staff, in addition to the landlords who are making a living through these rentals and need to provide for their families, plus the tenants. He knows there has been a lot of people involved who think this could work. However, does not have enough confidence. He has a big question on the overall process procedure and whether it has been tested, and have we received referrals on the company that we are hiring, etc. He also feels there are gaps in the checklist and is also concerned about how many times a third-party inspector will be needed before a property is approved, and whether it involves three or four times and the impact of that \$50 fee each time. He concluded by saying there could be a communication problem which could cause more work for our City Staff. However, he does approve of handling it in house adding that it is important that a dwelling is safe and reiterated that outsourcing seems inappropriate. He agrees we need more inspectors and prefers to keep it in house.

Councilman Campbell votes yes especially because the City is already very far behind and this has been occurring since 2008 and prior to that. And that these inspections need to be done. He also feels a lot of this has to do with the new hospital coming in and the need to focus on upgrading the appearance of some homes, including both owner occupied and rented homes. He feels the only way this can be accomplished is by hiring outside help but he agrees we should also consider adding another in-house Code Official.

Councilwoman Peel votes yes though she feels we should prioritize hiring an in-house Code Official and based on the information she has received and her conversations, that seems to be the preference. With that said, the City has been charging people for a long time and has not conducted these inspections. If this opens the door to getting this program started, and then provides a standard procedure where the landlord becomes familiar with the City Inspector, will be more streamlined in her opinion.

Councilman Burk votes yes and mirrors Councilwoman Peel's sentiments. He is very concerned about the checklist and he thinks we need to have an established procedure and not just say we will adapt down the road, which he feels is only fair to the people that own properties so that they fully understand what they are getting into. He would also prefer feedback from the property owners when the inspections begin so the process can be adjusted if needed. He also believes we need to have a good procedure in place as Councilman Mergner stated. He, too, prefers this be done in house 100% and that is the goal and the direction the City needs to go. But he also agrees we need to catch up at this point.

Councilman Brooks votes no and feels it should be done in-house and he does not want mass production or anything similar. He said the City caused all these problems and they took this money for years that was in the budget and never hired anyone.

Councilwoman Wilson votes yes for the many reasons that have been stated. She feels there has been a lot of work put into this program and a lot of input from the property owners. She felt good at the last meeting with what was proposed and she

feels there is a great need to play catch up. If the City was fully staffed and we had two to three Code Officials, then we would not need to be asking for outside help. Going forward, she is convinced we will need additional help to get this accomplished.

Councilwoman Wilson then moved to appropriate \$131,200 from General Fund Reserves to fund the Rental Inspection Services Contract through December 31, 2019, seconded by Councilman Campbell. Motion carried by the following 4-2 vote:

Councilman Mergner does not approve based on his previous comments about outsourcing the inspection services. However, he does believe we need some type of inspection process but not through a third party.

Councilman Campbell votes yes based on his previous comments.

Councilwoman Peel votes yes based on what was just discussed on the previous approval.

Councilman Burk votes yes and prefers to see an internal Code Official hired before May 1st or as soon as possible.

Councilwoman Wilson votes yes for the all the reasons previously discussed.

Adoption/Resolution 2018-01/City Council Rules and Procedures

Mr. Norenberg recalled at the last meeting, the City Solicitor recommended incorporating language regarding the Executive Session process. Some recommended language was provided but has not yet been added to Exhibit A-Rules of Procedure for City Council. As a result, he recommends the matter be postponed to allow the City Clerk and himself time to update the document.

Councilman Burk moved to postpone taking action on this matter until February 12th, seconded by Councilman Campbell. Motion carried.

NEW BUSINESS

Councilman Mergner asked to be excused from the balance of the meeting due to a work commitment. Councilman Mergner left at this time.

*Morris & Ritchie Associates Inc on behalf of Dunn Development LLC; Project 13-196
Hickory Glen /Extension 4/Preliminary Major Subdivision
Milford-Harrington Highway
Tax Map MD-16-173.00-01-21.00; -22.00
Zoning: R8 (Garden Apartment and Townhouse District)*

PE Phillip Tolliver presented the following memo to be considered by City Council:

Dear Mr. Pierce:

On behalf of our client, Mr. Eric Dunn of Dunn Development, LLC, and in regards to the above referenced plan, we hereby formally request a twelve month extension for the previously approved Preliminary Plan. The Preliminary Site Plan was previously granted extension approval by the Milford Planning Commission on January 17, 2017, and in the near future is scheduled to expire in accordance with Section 200-4.A.(5) of the City Subdivision Ordinance. The Preliminary Major Subdivision Plan was previously granted extension approval by the Milford City Council on January 23, 2017, and is also scheduled to expire in accordance with Section 200-4.A.(5) of the City Subdivision Ordinance.

We have been diligently working on developing the construction plans related to this project and this 12 month extension is necessary in order to obtain all approvals related to the final engineering plans. To facilitate the extension request we would like Hickory Glen to be placed on the Planning Commission and City Council agendas.

City Planner Pierce reported that this project originally received Preliminary Approval on February 18, 2014 and subsequent

extension approvals in February 2015, February 2016 and January 2017. He noted that the first rendition of the full final construction plans were received earlier in the month and as a result, staff has begun reviewing the Final Major Subdivision construction plans.

The Planning Commission recommended approval of a twelve-month extension at their January 16, 2018 Meeting by a unanimous vote.

Mr. Pierce noted that the applicant's Erosion and Sediment Permit is good through the end of 2019. The developer has invested significant funds into this property and the time line is much closer as a result of that expiration date for the site work to begin. There have been no major code revisions since 2014 to impact the application. Some minor amendments may be needed to the plan, though it is a standard Site Plan and Subdivision application and not a Conditional Use Permit.

Councilman Brooks recalled the last time, his motion was to approve the extension because the City of Milford failed to provide him the papers they needed. Mr. Pierce explained that initially a feasibility study was needed for the utilities in the Northwest Area which led to some discussions about who was going to partner in the funding of those utility extensions. Since then, the neighboring Amberwood Subdivision became defunct and while Crop Productions purchased the site, they are a much lower user in terms of utilities. As a result, the cost share burden disappeared and Hickory Glen had the burden of bearing the main utility extension costs, which has caused some of the delay. Unfortunately, there has not been a lot of interaction over the past twelve months until the full set of plans was recently submitted.

Councilman Burk moved to approve Extension #4, Preliminary Major Subdivision Plan, for one year, as recommended by the Planning Commission, seconded by Councilwoman Wilson. Motion carried with no one opposed.

Acceptance/FY16-17 City of Milford Audit

City Manager Norenberg referenced the audit and letter distributed to City Council several weeks ago for review. City Accountant Suzannah Frederick was in the audience in case there were questions.

Councilwoman Peel moved to accept the FY2016-17 City of Milford Audit, seconded by Councilman Burk. Motion carried with no one opposed.

Washington Street Water Treatment Facility/Final Change Order/Authorization

Public Works Director Mark Whitfield asked for approval of the Final Change Order for this project which involved a credit of \$4,019.54.

Councilman Burk moved to authorize the Washington Street Water Treatment Facility Project Final Change Order by way of a \$4,019.54 credit, seconded by Councilwoman Peel. Motion carried.

Introduction/Ordinance 2018-01/Chapter 165/Parks and Recreation Code

City Manager Norenberg introduced the following Ordinance:

ORDINANCE 2018-01
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 165
PARKS AND RECREATION

WHEREAS, it is acknowledged that the significance of the Parks and Recreation function is such that it must be effectively and currently responsive to the citizenry; and

WHEREAS, the Parks and Recreation Director recommends a Parks and Recreation Advisory Board of non-City Council members be established to act in a purely advisory capacity to the Director; and

WHEREAS, the primary function of the Advisory Board is to expand and enhance the recreational opportunities for the residents of Milford, Delaware; and

WHEREAS, the current Parks and Recreation Committee, consisting of three City of Milford Councilmembers is hereby dissolved; and

WHEREAS, the membership, qualifications and regulations of the recommended Parks and Recreation Advisory Board is outlined in Chapter 165 of the City of Milford Code.

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

Section 1. Chapter 165 is hereby amended by striking language indicated by strikethrough and adding language shown as underlined and in red.

Section 2. A new Article VI, entitled Parks and Recreation Advisory Board, consisting of Sections 165-14 and 165-15, is hereby added to read as follows:

ARTICLE VI - Parks and Recreation Advisory Board

Section 3. Dates.

Introduction: January 22, 2018

Projected Adoption: February 12, 2018

Projected Effective Date: February 22, 2018

ADJOURNMENT

There being no further business, Councilmember Wilson moved to adjourn the Council Meeting, seconded by Councilmember Campbell. Motion carried.

The Council Meeting adjourned at 9:02 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder