

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 23, 2012

The Milford City Council held a Public Hearing on Monday, January 23, 2012 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to hear the application of:

Davis, Bowen and Friedel, Incorporated on behalf of Siobain-VI, LLC
Modification of an Existing Conditional Use to Allow a Planned Unit Development
Tax Parcel(s) MD 16-173.00-01 -04.03; -04.04; -04.05; -04.06; -04.07;
-04.08; -04.09; -04.10; -04.11; -04.12; -04.13; -04.14; -04.15; -04.16; -04.17; -04.18

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen,
Owen Brooks, Jr., Doug Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief E. Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:02 p.m.

Mr. Norris discussed the application that will amend the original application for the Cascades Subdivision. He explained the original plan for condo pods was revised to include apartment buildings comprised of 1-2-3 bedroom units. The planning commission reviewed the revision in relation to a conditional use. By a vote of 6-0, they recommended approval. There was discussion on the resolution with a recommendation to include a bypass lane at the ingress/egress off Airport Road. He noted the planning commission also reviewed the preliminary site plan at that time.

Ring Lardner with Davis, Bowen & Friedel presented the application on behalf of the applicant. Mr. Lardner presented a drawing of the existing Cascade subdivision as improved and partially constructed. The infrastructure has been installed which includes the base paving for the roadways, stormwater management, curb and gutter. The sewer installation has been completed to include a 12-inch trunk main leading to the pump station that was built and accepted by the City of Milford. The stormwater management pond was installed and the as-built accepted by Kent Conservation District. The storm drain network was completely installed throughout the site along with the potable water system.

Their intent is to use approximately 90% of the infrastructure with the proposed plan. Mr. Lardner stated the majority of roads will remain unchanged with the exception of one area which will include a cul-de-sac versus the alternate turnaround. The largest building will contain ten units.

The request is to increase the number of units from 81 to 142. Under the PUD, 191 units are permitted. Therefore, the development is utilizing the site without maximizing the allowed density.

Mr. Lardner said the applicant is also requesting decreases in the front yard setback from 12-feet to 10-feet and side yard setback from 80 feet to 10 feet. If approved, the complete site would have 10-foot setbacks (including the rear setback). This allows the buildings to be closer to the road in order to provide a more traditional neighborhood design.

The plan is designed for all parking lots to be located in the rear and sides of the buildings. Only the front of the apartment units and clubhouse will be visible from the street with no on-street parking.

The last request is for a reduction in parking from 2.5 spaces to 1.75 spaces per unit. The calculation is based on one parking space per bedroom. (One bedroom-one space; two bedrooms-two spaces; three bedrooms-three spaces.) The clubhouse will have an additional 16 spaces which can also be used for overflow parking.

Mr. Lardner reported that in reviewing similar apartment complexes, he has found their parking lots are typically less

than half full even at peak times. As a result, they feel the number they are requesting should not cause a parking issue within the site.

Mr. Brooks asked for Mr. Norris' opinion; Mr. Norris said he agrees that the parking they are proposing will be sufficient based on the number of bedrooms.

When asked to clarify the roadway situation, Mr. Lardner advised that the traffic on Airport Road has significantly increased since the project was initially approved in 2005. At that time, there were no road improvements required.

He agrees that some improvements are needed today. He explained it can be done as a bypass lane or a protected left. They informed the planning commission they would build a bypass lane for future build-out conditions which prevent a dedicated turn lane.

Mr. Lardner advised that he lives in the area and does not see any more than two vehicles in any of the protected left turn lanes. Therefore, the bypass lane is warranted.

He noted that if this were a state-maintained road, the bypass lane would be acceptable to DeIDOT.

He assured council it will be designed as part of the Phase I preliminary site plan though built to accommodate the entire 142 unit project they are requesting as part of the conditional use.

Mr. Brooks confirmed the lane will be ten-feet wide. Mr. Lardner advised that Airport Road along the property frontage consists of two eleven foot wide travel lanes with no shoulder on the south side and a four-foot shoulder on the north side. They plan to expand the shoulder on the north side by about six feet or more to create a bypass lane. The bypass lane would allow westbound traffic to go around a vehicle that may be making a left turn into Cascades. The bypass lane would be located where the existing ditch is on the north side of Airport Road and would be filled in. A pipe would be used to convey the stormwater and sized in relation to the existing ditch and current drainage.

Mr. Carmean asked if that would infringe on the surrounding property; Mr. Lardner advised everything would shift to the right onto the Roosa right of way.

Mr. Lardner then confirmed their sidewalks along Airport Road will tie into the sidewalk at Milford Commons and will end at the Dushuttle property line. He noted there are sidewalks on both sides of the internal streets and sidewalks connecting the buildings to the internal sidewalk system.

A clubhouse will be built and a playground and aftercare program operated by the 4-H Clubs. The open space requirements are met as noted on the plans. All electric will run behind the buildings. A four-foot undulating berm along Airport Road will screen the development from traffic.

Mr. Carmean confirmed the apartments will be rentals and asked the cost of the rentals.

David Holden, Development Principal of Ingerman Group Property Manager, recalled his meeting with council in March of 2010 and March of 2011. Initially, they were not funded through Delaware State Housing Authority though it was approved in 2011. The allocation included both state and federal funding for the project.

He advised that The Ingerman Group operates mainly in Delaware, Maryland, Pennsylvania and New Jersey and has developed 65 similar projects. They own and operate each development. Five years ago, they developed Colony South in Milford.

Mr. Holder reported the property was in foreclosure through M&T Bank. He explained that one of the few ways to finance real estate developments now is through the Delaware State Housing Authority program as well as similar entities.

Mr. Holden advised the units are affordable to families and seniors at 50-60% of median income. Units include one, two and three bedroom flats and townhouses. The on-site property management and maintenance will be housed at the

clubhouse and available during business hours 9 a.m. to 5 p.m. with 24-hour backup. The 4-H Club will be operating an after school program for children with various activities planned both indoor and outdoor.

One bedrooms units will rent from \$450 to \$495; two bedrooms will rent from \$550 to \$605; three bedrooms will rent from \$625 to \$670. He stated the rent and unit mix were based on a market analysis for this area adding there is a high demand for one bedroom units.

Mr. Gleysteen referenced the June 2005 council minutes that state that Lacrosse Homes would make a donation to the City of Milford to assist in the development of the lacrosse/soccer fields off Airport Road. He asked if that was done; it was confirmed the donation was made.

Mr. Carmean then asked if the rentals are subsidized; Mr. Holden advised there is no subsidy and the numbers he provided are the actual rental costs.

Mr. Brooks asked if all the items in the original plans in 2005 remain including the community mail center and bus shelter for school children. Mr. Holden stated yes and asked what other items Mr. Brooks was referring to. Mr. Holden reiterated the donation was made to the city for recreational fields and emphasized that their plan includes internal playing fields for the children.

Mr. Lardner clarified that most of what was originally proposed remains though it is not the same site plan. He reiterated the bus shelter and community mail center are part of the plan. The donation has been made to Milford Parks and Recreation for the field as was promised.

He noted they also meet the open space per unit requirement as well.

Project Architect James Haley of Haley-Donovan reviewed the layout of the different unit types through a number of renderings included in the packet. He advised there are eight residential buildings throughout the site with separate entrances at each unit. One of the goals in the design was to have a front porch community with front doors and porch entrances facing the existing streets. The proposed setbacks are ideal for a pedestrian friendly community. It will also accommodate handicapped accessibility for all apartments with sloped walkways.

Mr. Haley also presented images of local projects they have completed with similar programs. There are 76 apartments in Phase I consisting of 36 one-bedroom, 22 two-bedrooms and 18 three-bedroom units. He emphasized the buildings are energy star compliant. Mr. Haley said that Cascades will be constructed to exceed energy star applicable certification requirements.

Overall, they are included a number of green, sustainable initiatives. They are reusing the existing road system and drought-tolerant landscaping has been implemented in the plan. They are using all energy star components with recycled content materials and low VOC materials.

Mr. Gleysteen asked if the project will be graded by the US Green Building Council. Mr. Haley stated no even though it would qualify for certification as was done on many of their other projects where they have obtained as high as a platinum level. He said they typically do not go after US Green Building Council certification only because of the cost and the paperwork involved. He feels that the additional work does not necessarily lead to a better project. A lot of times they apply to Enterprise Green Communities which is a similar program.

When asked if this project qualifies as Section 8 housing, Mr. Holden stated that anyone with a Section 8 certificate is eligible to apply though they are required to be screened as anyone else. Credit checks, references and criminal checks apply to everyone regardless of the section 8 status.

The city manager asked the type of heating; Mr. Haley advised all electric.

City Planner Norris verified the bypass lane will be installed as part of Phase I and before approval is granted for Phase II; Mr. Lardner stated yes.

When Mr. Brooks asked how many total parking spaces are planned, Mr. Lardner stated there will be 265 parking spaces for the 142 units and clubhouse.

It was confirmed the maximum number of units per building is ten.

Ms. Wilson stated she is pleased the developer has returned to see the project completed. She is very pleased with the sidewalk system inside as well as along Airport Road as is Mr. Brooks.

Ms. Wilson moved for approval of the Modification to the Conditional Use which increases the number of units to 142, parking space reduction from 2.5 to 1.75 spaces, decreases the front and side yard setbacks to 10-feet and allows a 10-foot setback around the entire project and that a bypass lane be installed and completed before Phase II is approved, seconded by Mr. Starling.

Mr. Johnson votes yes though his concern is the reduced parking. In his opinion, there is never enough parking in multi-unit housing complexes. However, he is pleased there is more affordable housing coming to Milford.

Mr. Grier said this appears to be a good project particularly in terms of the landscaping, sidewalks and design of the parking lots and their location in the rear of the buildings. He is also happy with the affordable housing which he agrees there is a demand for and votes yes.

Mr. Pikus votes yes noting that the changes and in particular that the bypass lane is greatly needed on Airport Road and is a safety factor for the many people who travel on that road, including residents and local employees. He said this is a plus for Milford and is glad they returned to complete this project.

Mr. Gleysteen said his reservation is also the number of parking spaces. But based upon the recommendation of City Planner Norris who indicated it will work, he will agree and vote yes.

Mr. Brooks votes yes and is pleased with the sidewalk system inside the project and along Airport Road. He has some hesitation with the reduced parking and does not want this to set a precedence for future projects. However, the city planner said it will work so he votes yes.

Mr. Morrow votes yes for the same reasons stated by his colleagues.

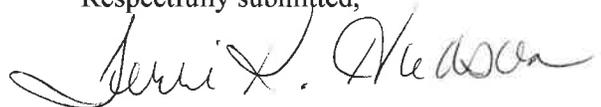
Mr. Starling votes yes noting it appears to be a good project. Affordable housing is needed in Milford and the prices are reasonable. He believes the number of parking spaces will work out.

Ms. Wilson votes yes stating she knows several people that live in Colony South which is a quiet, quaint neighborhood and well maintained. She feels that if this group can make Capital Green look good, she is impressed because she remembers the conditions in that community years ago. She agrees we need affordable housing and believes this will make council look more realistic because they recognize that need.

Mayor Rogers agrees with council there is a need for affordable housing particularly at this time. He wished the developer the best with this project.

With no further business, Mayor Rogers adjourned the Public Hearing at 7:48 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 23, 2012

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, January 23, 2012.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen
Owen Brooks, Jr., Douglas Morrow, Sr., James Starling Sr. and Katrina Wilson

City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:48 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests were in attendance.

COMMUNICATIONS

All communications included in packet.

UNFINISHED BUSINESS

Amendment to MBT Land Holdings Utility Agreement

City Manager Carmean advised that David Hitchens from Key Properties asked that the MBT Utility Agreement be postponed until the next meeting to allow time for further review.

Mr. Brooks recommends we proceed with the well testing on the Hall property adding that cannot be done on the MBT property because the exact location has yet to be determined. Mr. Gleysteen said that should depend on whether we receive the discount for two subsequent wells versus the individual fees for each well. Mr. Carmean is confident that can be worked out with AC Schultes.

Mr. Brooks again expressed concern that the referendum passed in 2008 and it is now 2012 and is still not done. In this manner, we can proceed with the first step and at least begin the well drilling on the Hall site.

Mr. Rutt noted there are agreements with both Hall and MBT and nothing prohibits one from being completed before the other begins. Therefore, council has the right to begin at either site. Mr. Grier agrees we need to continue.

Mr. Carmean said when he was approached to come back, one of the main reasons was his knowledge of the city's operation and infrastructure. He prefers the well drilling proceed; Schultes is scheduled the first week of February and he does not want them to have to reschedule. Regardless of the Hall property, we have the agreement on the Mills Farm. If we hit a dry well on the Hall property, the Mills property is still available. The owner may request less land be given to the city.

Mr. Pikus said in consideration of the number of years has passed, he also agrees we need to move forward. Thereby, the consensus of council was to proceed with the Hall property well drilling.

Approval of DSWA Contract 2010-2013

Mr. Carmean reported the city has been without a Delaware Solid Waste Authority contract since 2010. He felt it left the city somewhat vulnerable as far as pricing and other terms. It was agreed it should be put back on the agenda so that council could approve it and the mayor sign it. The terms remain the same with no changes.

Mr. Pikus noted that we did not apply for a recent grant that allowed us to obtain free containers. Because there was no contract, there could have been a change in the fees they were charging us. Mr. Carmean agrees it is important noting it could cost the city a great deal to take our solid waste to another location. He noted the savings of no longer having to make daily trips to Sandtown and the impact that had on our employee time and equipment.

Mr. Gleysteen noted these are the same prices an individual would pay to take their trash to the transfer station. He felt because we are large volume producer, he felt a discount may be appropriate. It was verified the contract (Paragraph 5) includes some rebates that apply in relation to tonnage and are paid on an annual basis.

Ms. Wilson moved for approval of the DSWA Contract for the period of July 1, 2010 to June 30, 2013, subject to the applicable rebates, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Mr. Gleysteen votes yes adding this will secure our rates over the next two years.

Mr. Carmean advised that a new contract will be negotiated beginning in 2013.

NEW BUSINESS

Adoption of Resolution 2012-01/Short Term Borrowing/Washington Street Water Plant

Mr. Carmean recalled the November referendum that allowed the \$4 million borrowing on the Washington Street Water Plant. He then received notice that the city was offered another \$45,000 of forgiven principal and interest. However, we are required to spend the money first.

Because it is considered short term borrowing, our charter requires a resolution and ordinance which has been prepared.

Mr. Pikus moved to adopt Resolution 2012-01 as follows, seconded by Ms. Wilson:

RESOLUTION TO BORROW FUNDS TO ASSIST WITH THE DEMOLITION AND RECONSTRUCTION OF THE WASHINGTON STREET WATER PLANT AND OFFICE BUILDING FOR THE CITY OF MILFORD, DELAWARE

WHEREAS, Article VIII of the City of Milford Charter authorizes the City Council of the City of Milford, Delaware ("City") to approve short term borrowing, by resolution, without the necessity of a Special Election; and

WHEREAS, the city has filed an application for financial aid from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan") in the amount of \$45,000 with 100% loan forgiveness; and

WHEREAS, the additional funding will assist with improvements associated with the demolition and reconstruction of the Washington Street Water Plant and the office building located on the same site.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

- 1. A special election was held on November 19, 2011 at which time qualified voters in the City of Milford approved the borrowing of up to \$4,000,000 to fund certain improvements to the City's drinking water facilities, including, but not limited to, the demolition and reconstruction of the Washington Street Water Plant and Office Building and associated costs;*
- 2. The City has since filed an application for assistance in the amount of \$45,000 through a second DWSRF Loan;*
- 3. The loan proceeds will be used to further assist with the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site;*
- 4. The rate of interest on the DWSRF Loan shall be 0%;*
- 5. Of the total loan amount, the principal and interest shall be forgiven on \$45,000;*
- 6. The borrowing is expected to be accomplished through the issuance of a loan from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan");*
- 7. The DWSRF Loan shall be secured by the full faith and credit of the City;*
- 8. No debt obligations are to be assumed by the City for the loan and no taxes and/or revenues are required to be pledged by the City.*

s/Mayor Joseph Ronnie Rogers

Motion carried by unanimous roll call vote.

Introduction of Ordinance 2012-03/Short Term Borrowing/Washington Street Water Plant

City Manager Carmean introduced the following ordinance, as is required by our charter for any borrowing:

Ordinance 2012-03

AN ORDINANCE AUTHORIZING THE BORROWING OF ADDITIONAL FUNDS TO ASSIST WITH THE COSTS OF DEMOLISHING AND THE RECONSTRUCTION OF THE WASHINGTON STREET WATER

*TREATMENT FACILITY PLANT AND OFFICE BUILDING FOR THE CITY OF MILFORD, DELAWARE.**Section 1.*

WHEREAS, Article VIII of the City of Milford Charter authorizes the City Council of the City of Milford, Delaware ("City") to approve short term borrowing, by resolution, without the necessity of a Special Election; and

WHEREAS, the city has filed an application for financial aid from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan") in the amount of \$45,000 with 100% loan forgiveness; and

WHEREAS, the additional funding will assist with improvements associated with the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site.

Section 2.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

- 1. The City of Milford, Delaware operates its public water system in accordance with the provisions of the State of Delaware and the Charter of the City of Milford.*
- 2. The Council has determined that it is necessary and in the best interest of public health, safety and welfare to improve the system.*
- 3. A special election was held on November 19, 2011 at which time qualified voters in the City of Milford approved the borrowing of up to \$4,000,000 to fund certain improvements to the City's drinking water facilities, including, but not limited to, the demolition and reconstruction of the Washington Street Water Plant and Office Building and associated costs;*
- 4. The City has since filed a second application for assistance in the amount of \$45,000 through a second DWSRF Loan;*
- 5. The loan proceeds will be used to further assist with the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site;*
- 6. The rate of interest on the DWSRF Loan shall be 0%;*
- 7. Of the total loan amount, the principal and interest shall be forgiven on \$45,000;*
- 8. The borrowing is expected to be accomplished through the issuance of a loan from the State of Delaware Drinking Water State Revolving Fund (the "DWSRF Loan");*
- 9. The DWSRF Loan shall be secured by the full faith and credit of the City;*
- 10. No debt obligations are to be assumed by the City for the loan and no taxes and/or revenues are required to be pledged by the City.*

Section 3.

Dates.

Adoption Date: February 13, 2012

Effective Date: February 23, 2012

Adoption is scheduled at the February 13th business meeting.

Approval to Proceed/Workforce Development Commission & Scholarship Fund

Mr. Carmean advised that Bill Pilecki, Chairman of the Workforce Development Subcommittee, was present, along with David Markowitz, Committee Member. He explained that the city's involvement will be minimal with Delaware Community Foundation administering the program.

Mr. Pilecki explained the Delaware Community Foundation needs an organization with a track record that can work with the Workforce Development Commission as to where the money will be spent. In this case, the city would be the most appropriate entity.

He noted that adjustments were made to the draft application to accommodate council's concerns expressed at the last meeting. Mr. Pilecki will have a copy of the new application tomorrow.

Mr. Brooks asked where the money will go; Mr. Pilecki explained that the Delaware Community Foundation will hold the money though it will be sent to the city initially. All checks will be forwarded to the Delaware Community Foundation though a member of the commission will monitor and prepare a spreadsheet to keep track of the finances.

Mr. Pilecki confirmed the city's only role will be to establish the commission.

Mr. Grier moved for approval of the Workforce Development program and proceed accordingly, seconded by Mr. Morrow. Motion carried with no one opposed.

An ordinance will be prepared to be introduced at the next meeting.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the meeting, seconded by Mr. Brooks. Motion carried.

The Council Meeting adjourned at 8:10 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder