

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 22, 2011

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 22, 2011.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

CALL TO ORDER

Mayor Rogers called the City Council Meeting to order at 7:14 p.m.

It was noted that Councilman Brooks was absent due to a health issue.

INVOCATION AND PLEDGE

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

RECOGNITION

No special guests in attendance.

COMMUNICATIONS

All items included in packet.

UNFINISHED BUSINESS

Adoption of Ordinance 2011-20/Provides for the Readjustment of Ward Boundaries

Ms. Wilson advised that after a review of the proposed realigned wards, there was concern expressed that the fourth ward was being divided on North Church Street and in particular, the Benjamin Banneker School area. She noted the historical heritage of the school and its meaning to a large number of our residents. She added that many of our senior citizens fought to attend the school many years ago.

Though it removes 54 persons from the third ward and places them back into her ward, she feels it is justified by keeping that landmark in the fourth ward. Therefore, she and Mr. Starling are requesting that ward line be adjusted back to keep that area in the fourth ward.

Mr. Baird stated that Davis, Bowen and Friedel then modified the proposed ward map. The Church Street Extended line has now been moved back to North Walnut Street, down to Northwest Fourth Street and will only impact one census block which will be kept in the fourth ward. With the change, the first ward will have 2,442 persons, the second ward 2,331 persons, the third ward 2,316 persons and the fourth ward 2,470 persons. The numbers still comply with the 10% population requirement in the city charter.

The proposed map is attached.

Mr. Morrow then questioned the boundaries of the second and fourth wards noting there is a small street in North Shores that is part of the fourth ward; he asked if the lake would be a better boundary thereby keeping the North Shores subdivision all in one ward. Mr. Baird said they chose to maintain that current boundary.

Mr. Morrow also noted that ward one no longer contains any of the downtown area and specifically the Montgomery Street/Ballpark Lane area where those streets are split into various wards.

Ms. Wilson then moved for approval of the amended ward boundaries as presented on the August 2011 ward map to be effective September 1, 2011, seconded by Mr. Morrow. Motion carried with no one opposed.

Planning Commission Vacancy

Mr. Pikus moved to appoint Kerri Fry of 501 South Walnut Street to fill the planning commission vacancy/term left by Dirk Gleysteen after he was elected to city council. Motion seconded by Mr. Grier and carried.

Re-Adoption of Fiscal Year 2011-2012 Warrant (As Amended)

The city manager advised the original warrant needed to be amended due to a change in the senior citizen discount numbers:

GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the Secretary, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS AS FOLLOWS:

Assessed Per Billing Register	\$777,925,203.00
Exemptions	[123,225,400.00]
TOTAL ASSESSED VALUE	\$654,699,803.00
<u> </u> x .0046	
ESTIMATED TAX PER PROPERTY VALUES	\$3,011,619.00
Senior Citizen Discount	[10,948.00]
TOTAL TAXABLE (Fiscal Year 2011-2012)	\$3,000,671.00

Mr. Pikus moved to adopt the revised Fiscal Year 2011-2012 Tax Warrant as presented, seconded by Mr. Gleysteen. Motion carried.

NEW BUSINESS

Resolution 2011-10/Adopting Kent County Mitigation Plan

Mr. Baird advised that DEMA and Kent County requested the city to adopt the Kent County All Hazard Mitigation Plan. It was adopted by the county in 2010 and both DEMA and the county recommends adoption by the municipalities. He explained that adopting the plan makes the city eligible for funding in Kent County should that be needed.

Mr. Pikus asked the status of the Sussex County plan; the city manager stated he is currently working with them on a similar document which council will see in the near future.

Ms. Wilson moved to adopt Resolution 2011-11, seconded by Mr. Starling:

Resolution Adopting an All Hazard Mitigation Plan for the City of Milford, Delaware

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local government develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and

WHEREAS, a local Hazard Mitigation Advisory Committee comprised of county governmental departments, municipal council members, the business community, nonprofit organization, and citizens working in Kent County of the State of Delaware, convened in order to study the City of Milford's risks from, and vulnerabilities to natural, technological and terrorism and to make recommendations on mitigating the effects of such hazards on the city, and

WHEREAS, a contract was issued to an experienced consulting firm to work with the Kent County Hazard Mitigation Advisory Committee, and the Delaware Emergency Management Agency to develop a comprehensive all hazard mitigation plan for Kent County of Delaware, and

WHEREAS, the efforts of the City of Milford, Kent County, and the consulting firm have resulted in the development of an All Hazard Mitigation Plan for the county and the City of Milford.

NOW THEREFORE, BE IT RESOLVED by the Council that the Kent County All Hazard Mitigation Plan dated February 16, 2010 is hereby approved and adopted for the City of Milford and Kent County of the State of Delaware. A copy of the plan is attached to this resolution ADOPTED by the City of Milford, Delaware this 22nd day of August, 2011.

Motion carried.

Dissolution of Milford Parking Authority

Mayor Rogers has discussed this matter with the city manager who agrees it should become an inactive body though it will remain on the books.

Mr. Pikus emphasized their request is to dissolve the board and turn any remaining funds over to the city.

City Solicitor David Rutt explained that Delaware Statute states when the authority is paid and has discharged all bonds, it can convey any property back to the city. However, the law does not address the dissolution of the authority.

He explained the authority could stay in existence but without anyone serving. He noted the authority exists under the city code. His recommendation is the property be transferred to the city but keep the authority in existence as is permitted under Chapter 45 of the Milford Code.

Mr. Pikus explained that some of the remaining funds were used to pay bills and minor expenses. He then asked the benefit of keeping the authority. The mayor stated that if it were needed in the future, appointments could be made much simpler.

Mr. Rutt said the city council has the right and obligation to appoint members to the authority. Under Chapter 45, the power to establish the authority continues to exist. Should it need to be revived, new members could then be appointed.

Mr. Pikus confirmed that the current members will have no further obligation or responsibility to the parking authority; Mr. Rutt explained it will be considered an empty body with no one serving.

Mr. Pikus wants assurance it is done legally.

Dan Marabello of 1 Windy Drive, Meadows at Shawnee, stated he agrees the authority needs to be kept in case it is needed in the future. He recalled there was approximately \$10,000 in cash and almost \$6,000 in uncollected taxes. He asked if that was collected and if not, the status of those debts.

Mr. Pikus advised that Chairman Harvey Marvel had informed him there is less than \$10,000 in the account and there remains some uncollected debts.

Mr. Baird confirmed it will become the city's responsibility to collect any outstanding debt. He will continue to work with the current members of the parking authority to make the parking authority defunct though it will still exist.

The city solicitor confirmed the properties are titled in the name of the parking authority. Mr. Rutt further explained the filing of the certificate essentially acts as the transfer of the property. He said they are typically placed in a miscellaneous file and become difficult to find. He suggests a confirmatory deed which will show up under the title transfer from the parking authority to the City of Milford.

Mr. Rutt advised the next step is to prepare the certificate which needs the approval of the parking authority and city council. It will then be filed with the Secretary of State. Certified copies would be filed with the Recorder of Deeds in both counties due to the parking lots being in both Kent and Sussex County, followed by a confirmatory deed.

Mr. Gleysteen stated that repairs are needed to the parking lots and specifically, the one across from the bank. He asked if the funds in the parking authority account could be used for repairs before it is transferred. Mr. Baird recalled an estimate of \$70,000 being received approximately two years ago for the repair of all municipal parking lots. That covered the North Walnut Street/Front Street lot, the lot adjacent to Milford Senior Center, the lot across from Park Place and Milford Skating Rink and the one behind Georgia House on Southwest Front Street. As a result, \$10,000 will not begin to cover the needed repairs.

Mr. Pikus asked for confirmation that Municipal Street Aid can be used for those repairs; Mr. Baird stated yes.

Joe Palermo, 5 Misty Vale Court, Meadows at Shawnee, confirmed that once we assume responsibility of these parking lots, any work would be at the taxpayers' expense.

Transfer of Funds and Budget Amendment/Solid Waste Department/Purchase of Recycling Containers

Mr. Baird referenced the August 18, 2011 memo from Public Works Director Brad Dennehy in the packet. As a result, he is requesting city council authorize the transfer of \$40,000 from Account 399-40-00 Solid Waste Fund Balance to Account 204-4040-432-60-10 Solid Waste Materials & Supplies to purchase recycling containers for single family residential trash customers in the city as required under Delaware's Recycling Law.

He explained the new recycling law, effective September 15, 2011, requires the city to provide recycling containers to every single family trash customer in the city. Initially, they were only provided to customers requesting containers.

The city manager reported that of the 3,246 single family residential trash customers, 2,108 already participating in the recycling program. The city has 300 containers obtained from the Delaware Solid Waste Authority when they got out of the recycling business. Another 738 are needed in order for the city to comply with the law.

Mr. Pikus moved to transfer of \$40,000 from Account 399-40-00 Solid Waste Fund Balance to Account 204-4040-432-60-10 Solid Waste Materials & Supplies, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

Planning Commission Status Report-Milford Ponds

Solicitor Rutt received a call from one of the attorneys who asked what was occurring at this meeting. Mr. Rutt informed her this would only be a status report with no public hearing and no comment. Therefore, he suggests council reserve any questions for the public hearing.

City Planner Gary Norris then provided a history of the Milford Ponds project through a powerpoint presentation. He reported the site is located between Route 113 and Walnut Street. He then referenced the plans presented to city council in 2007. At that time, Milford Ponds was given a conditional use as a PUD. Documents were submitted that included a phase I plan and clubhouse.

He advised that utility and street improvements, as well as a pumping station have been completed. Since that time, the property was foreclosed at which time there were two property owners--Griffin Realty and EB Lands.

The city manager and Mr. Norris have been involved in ongoing discussions with both property owners regarding the development of the property. There were several issues and no agreements reached between the two property owners. This year a modification to the approved conditional use was submitted to the planning commission involving the Griffin Realty lands.

He concluded by reporting the planning commission reviewed the modification. They recommended approval by a vote of 7 to 1.

City Solicitor Rutt then explained that at the time of the initial hearing before the planning commission, the attorneys for EB Lands raised some objections. Mr. Rutt responded by asking for those objections to be submitted in writing because they were extensive which they complied with.

Some negotiations then occurred in an attempt to resolve the issues. He then received a response from the attorney for Griffin Realty. He reviewed the objections, letters and responses. There were three objections to amending the site and conditional use on technical issues and three objections on legal issues. He did not find them sufficient enough to prevent the planning commission from recommending the application be sent to council to amend the conditional use.

Mr. Rutt advised the application will be coming to city council for consideration and a public hearing.

The city manager said he recommended it be brought before council in advance of the public hearing to allow council to become familiar with the project. At the time of the public hearing, there will be a number of presentations, along with counter arguments.

He felt it was beneficial to present the initial project, how it changed over the years and what is left today. In addition, the proposal on how to remedy their problems will be presented. Mr. Baird said that in order to move forward, council will need to approve the application.

The city manager stated this is informational with the intent to get councils' thoughts moving so they are familiar with the project at the time of the public hearing.

Resolution 2011-11/Public Hearing/Borrowing/Washington Street Water Plant

Mr. Baird explained that this resolution is the first step of the referendum process to allow the city to borrow up to \$3.7 million from the Delaware Drinking Water State Revolving Fund program.

As he has discussed, the structures at the Washington Street Water Plant will be demolished and the building reconstructed for use by the city billing department. Originally, the loan was for \$2.7 million with a 35% principal forgiveness. The balance would be for a term of twenty years at 1% interest.

He has been in discussions with Heather Warren from the Office of Drinking Water who was in attendance. Currently, she is offering \$3.7 million with a 35% principal forgiveness which brings the project down to a \$2.4 million loan. The term and interest rate remains as was originally offered.

Ms. Warren was in attendance and offered to attend the public hearing in case there are questions. She said they appreciate the city considering their program for financing of water system improvements now and in the future.

She emphasized this is the most favorable rates/terms she has seen noting that typical interest is currently 3.25%.

Mr. Baird then stated that following the public hearing, final authorization will be needed by council. The referendum will be scheduled between thirty and sixty days following the hearing and final authorization and is anticipated sometime in late October.

Mr. Rutt advised council the resolution needs to be adopted in order to schedule the public hearing.

Mr. Pikus moved to adopt the following resolution, seconded by Ms. Wilson:

RESOLUTION TO BORROW FUNDS TO DEMOLISH AND RECONSTRUCT THE WASHINGTON STREET WATER PLANT AND OFFICE BUILDING FOR THE CITY OF MILFORD, DELAWARE

WHEREAS, the City Council of the City of Milford, Delaware ("Council") has been advised that up to \$3,700,000 is required to finance the 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. The Council hereby proposes unto the electors of the City that an amount of money not exceeding \$3,700,000 (exclusive of original issue discount) be borrowed to pay for the costs of the Capital Improvements and to pay the costs associated with the financing. 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").*
- 2. The loan proceeds will be used for the demolition and reconstruction of the Washington Street Water Plant and office building located on the same site.*
- 3. The average rate of interest on the DWSRF Loan shall not exceed 1.0%*
- 4. Of the total loan amount, the principal and interest shall be forgiven on \$1,295,000.*
- 5. The DWSRF Loan shall be secured by the full faith and credit of the City.*
- 6. The DWSRF Loan shall be paid or funded from water revenues of the City.*
- 7. A Public Hearing upon this Resolution shall be held in the Council Chambers at City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 12, 2011, commencing at 7:00 p.m., at which time the Council shall vote upon the final authorization for the DWSRF Loan.*

Motion carried by unanimous roll call vote.

ADJOURN

Mr. Pikus moved adjourn the council meeting, seconded by Mr. Morrow. Motion carried.

Meeting adjourned at 7:44 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder

cc: Adopted Ward Map/August 2011

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 22, 2011

The Milford City Council held Public Hearings on the following matters on Monday, August 22, 2011 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt

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

Robert Nash Associates on behalf of G. Walter and Janet R. Swain requesting the Final/Minor Subdivision of one parcel into two parcels (separating auto shop from sports complex) in a C-3 District; site located at 5877 S. Rehoboth Boulevard, Milford, Delaware; Tax Parcel 3-30-11.00-42.00; Area of Petition .359 +/- Acres (7.656 +/- Total Acres) .

City Planner Gary Norris advised this is a simple two-lot subdivision. The intent is to separate the recreational facility from the parcel with the existing garage. The applicant has asked for a waiver to the one-acre minimum lot size due to the garage lot size of .359 acres.

The application was reviewed by the planning commission who recommended approval of the subdivision by a vote of 7 to 0.

Robert Nash then spoke emphasizing the need for the waiver. He explained the garage is fenced in and any additional land added to that parcel would eliminate recreational area which is the purpose of the subdivision.

He confirmed that approvals have been received from DeIDOT as well as the city's public works department.

Mayor Rogers asked if anyone from the public had comments; no one responded. The floor was then closed.

Mr. Pikus moved to grant the waiver to the minimum lot size thus allowing the .359 acres, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Mr. Grier then moved for approval of the minor subdivision with the lot size waiver, seconded by Ms. Wilson. Motion carried by unanimous roll call vote.

City of Milford requesting the Final/Minor Subdivision of one parcel into three parcels (convenience store with gas pumps, car wash and water tower) in a C-3 District; site located at 902 North DuPont Boulevard, Milford, Delaware; Tax Parcel MD-16-174.14-01-05.00; Area of Petition 3.995 +/- Acres.

City Planner Gary Norris advised that this is the result of the property being sold to Wawa as has been discussed previously. The matter was presented and reviewed by the planning commission who recommended approval of the subdivision by a vote of 8 to 0.

Mayor Rogers asked if anyone from the public had comments; no one responded. The floor was then closed.

Mr. Pikus moved for approval of the minor subdivision as presented, seconded by Mr. Gleysteen. Motion carried by a 6 to 0 vote with Mr. Grier abstaining.

With no further business, the Public Hearing session was adjourned at 7:14 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 22, 2011

The City Council of the City of Milford met in Workshop Session on Monday, August 22, 2011 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

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

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

The Workshop Session convened at 7:45 p.m.

Amendment to City of Milford Code, Chapter 204, Taxation/Senior Citizen Relief

Mr. Gleysteen advised that when he was campaigning he met several senior citizens who were taking advantage of the real estate property tax waiver currently offered by the city. The city presently offers a \$20,000 credit off the appraised value which calculates to \$92. Last year, 119 property owners took advantage. His impression was that many of the citizens needed some additional assistance.

As a result, he is recommending the exemption be doubled up to \$40,000. He reported that individuals must earn less than \$15,000 or \$25,500 as a couple. He is not recommending any changes to the eligibility guidelines.

Mr. Gleysteen also recommends it be capped at no more than 50% of the appraised value.

Mayor Rogers said he has received some calls about the recent property tax appraisal notices sent out and many expressed concern they may need some additional help with the bill. He agrees this is a small change that could help a lot of people.

Mr. Baird said if council agrees to double the exemption from \$20,000 to \$40,000 of assessed value, those bills would be reduced from \$92 to \$184 per year. Should the eligibility stay the same and basing the increase on the 119 number, the reduced tax revenue at \$20,000 is \$10,948 and at \$40,000 is \$21,896.

He then noted that Mr. Brooks had also asked council to consider the eligibility requirements be increased. Though Mr. Brooks had not indicated a specific amount, Mr. Baird asked if it merits a conversation about individual and joint property owners by \$5,000 to \$10,000 though that would be a decision of city council. He noted it will be very difficult to provide an analysis because the city is not familiar with the current incomes of our residents.

Mayor Rogers asked that additional information be provided and the finance committee review the matter. They can then bring their recommendations back to city council.

Mr. Pikus encouraged other council members to attend the upcoming finance committee meeting.

It was confirmed any changes would not impact the current fiscal year (FY2011-12).

SCAT Meeting Reminder/September 7, 2011/Shawnee Country Club

Mayor Rogers reminded council that the City of Milford is hosting the September SCAT meeting at Shawnee Country Club. He encouraged council to attend and asked them to RSVP Carlene Wilson or Terri Hudson as soon as possible.

With no further business, the Workshop Session concluded at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder