

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 23, 2009

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, March 23, 2009.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, James Oechsler, Jr., Owen Brooks, Jr., 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 Timothy Willard

Mayor Marabello called the Council Meeting to order at 7:13 p.m.

Five Year Capital Budget Projections

City Manager Baird advised this is being presented in draft form. It is being presented at this time to comply with the March requirement in the city charter.

He referenced some of the requested projects explaining many will be eliminated and some added at a later date in an attempt to present a balanced budget. However, this gives council some idea of what is under consideration. He emphasized this is in draft form and includes items from the previous two years and five years forward.

Mr. Workman asked if these will be prioritized by necessity; Mr. Baird said this is being presented by departmental request and nothing more than a wish list at this point. Later meetings with each department will determine what they are focusing on for the upcoming year, as well as a couple years out. The projects that match city priorities will become part of the recommendation presented with the budget. However, there may be some tier two priority level requests that city council may feel need to be included or excluded.

Mayor Marabello asked how the projects will be funded beyond the \$15 million bond issue. Mr. Baird said that many of the large dollar projects, particularly on the electric, water and sewer side, will be funded through the bond revenues. Some smaller projects will be funded through a number of sources and either through local dollars from the city, inner governmental revenues which could include state and/or federal government and specific general programs that are a one time source and may be a direct grant and/or a private/public partnership.

Each project has a detailed sheet showing the revenue stream and whether it is construction, engineering, contingencies, etc.

Mayor Marabello complimented the work; Mr. Baird noted it was a combination of efforts from various staff members.

Appointment of 2009 Milford Election Board & Election Officers

Mr. Brooks moved for approval of the following Election Board Members and Election Officers for the April 25, 2009 Annual Election:

Election Board:

<i>Tamela Mallamo</i>	<i>320 Lakelawn Drive</i>
<i>Joanne Leuthauser</i>	<i>509 Ashley Way</i>
<i>Phyllis Fox</i>	<i>200 E. Clarke Avenue</i>

Election Officers:

<i>Patricia Bailey</i>	<i>999 S. DuPont Boulevard</i>
<i>1st Ward Clerk- Donna Merchant</i>	<i>108 Franklin Street</i>
<i>2nd Ward Clerk- June Barto</i>	<i>10 W. Clarke Avenue</i>
<i>3rd Ward Clerk- Karen Boone</i>	<i>402 N.E. Fourth Street</i>

Motion seconded by Mr. Workman. Motion carried.

Appearance of Impropriety or Conflict of Interest/City Solicitor Timothy Willard

Mr. Baird referred to the following memo received from Councilman Spillane dated March 6, 2009:

To: David Baird, Milford City Manager

I feel that there is an appearance of impropriety or Conflict of Interest in certain duties performed by Mr. Tim Willard, Milford City Solicitor.

1. Mr. Willard (Attorney for the City of Milford) is associated with the law firm, Fuqua and Yori P.A. and has dealing on land issues before the Sussex County Council.

2. Mr. Griffin (Griffin and Hackett P.A.)(Attorney for Key Properties Group, LLC) represents clients before the Milford City Council and is the Sussex County Council Attorney.

Mr. Willard and his firm appear before the Sussex County Council who Mr. Griffin councils. Mr. Griffin represents clients that go before the Milford City Council who Mr. Willard councils. It could be perceived that Mr. Willard's conduct to render advice/decisions may raise suspension among the public that public trust is being violated.

Mr. Willard's law firm is council to the Positive Growth Alliance; Michael Fannin is a member of the Board of Directors. The Fannin family owns Key Properties, MG Development, Country Life Homes, and Innovation Park, a land development. These firms have land issues with the Milford Planning and Zoning Commission and Milford City Council. Decisions render by Mr. Willard could raise suspension that reflects unfavorably or adversely on the public's confidence in its government.

The Positive Growth Alliance and Sussex County Council, together, are suing DNREC.

See attached chart which reflects the crisscross of the law firms.

I feel this is an issue that should be reviewed as soon as possible with a written reply rendered.

According to Mr. Spillane, he has received several phone calls regarding the conflict with the city solicitor. He said Mr. Willard works for the city and the county attorney comes before the city. Mr. Willard also goes before the county and Mr. Spillane feels there is a conflict between the two attorneys.

Mr. Willard responded by stating he is in receipt of the memo that the council member wrote raising this issue of a conflict or concluding there was a perception of a conflict. However, he disagrees with the allegation there is a conflict.

He explained that lawyers are governed by the rules of professional conduct which vary from public officials which is the public integrity which has been discussed by council on several occasions. He then referred to Rule 1.7-Conflict of Interest which he read into record:

Rule 1.7. Conflict of interest: Current clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing.

Mr. Willard said he is very sensitive to it and the two issues raised by Mr. Spillane are that Mr. Griffin, who is Hearthstone or Country Life Homes Attorney is counsel to Sussex County and Mr. Willard is counsel to the City of Milford. Mr. Spillane feels the two are unable to appear before each other though it is not a direct conflict that materially affects either.

He also explained that the issues raised that neither can appear before the bodies they represent with other clients does not materially affect the representation of that client or is not a direct conflict in anyway. Lawyers are responsible to independently represent or have loyalty to their client. He said the councilman is suggesting there is some quid pro quo between Mr. Griffin coming to the city and Mr. Willard going to the county. It is neither a direct nor material conflict and Mr. Willard believes it is offensive to raise it.

Mr. Willard advised a real conflict is where there is material interests that would make either attorney hold back or take some other action which is clearly not the case. Over the years, Mr. Griffin, who has been an attorney for many years, has had numerous cases with Mr. Willard that involved different clients. What Mr. Spillane is suggesting is that neither attorney could have any cases together with different parties.

Mr. Willard said the chart Mr. Spillane did was incomprehensible and did not show any direct or material conflicts.

The solicitor said the second issue raised by Mr. Spillane referenced Mr. Willard's senior partner James Fuqua who is the registered agent on the Positive Growth Alliance meaning he incorporated them. Mr. Willard said his firm incorporates a lot of entities. When they do so, they have the option of declaring that attorney as the registered agent. Whether Mr. Fuqua is counsel for them or the registered agent does not raise any direct or material conflict with this body or in his opinion, compromise his independence to the city. The fact is they may be registered agents for a number of corporations.

Mr. Willard's opinion is the facts raised in Mr. Spillane's memo do not constitute a violation by the rules nor do they personally make Mr. Willard believe his independence or loyalty to this body is compromised.

He added his law firm has represented Milford for twenty to twenty-five years after Justice Holland turned it over to Mr. Fuqua though Mr. Willard has the solicitor only a few years. They have always tried to give Milford the best advice and sometimes it is not what council wants to hear, but it is what they believe is right which is based on the law.

Mr. Spillane then stated that he was looking at the code that was just received and passed in 2002. From what he reads

and the way other people in his ward read it, though Mr. Willard contracts with the city, he is still considered an employee of the city. They were having problems with Mr. Willard being involved with different things and he wanted it cleared up and out in the open.

Mr. Willard recalled that he and Mr. Baird once discussed going to in-house counsel though it has not been practical in the past for financial reasons. Mr. Willard feels that his participation in some land use law, which he does not do primarily, sharpens his game and advice to Milford. He is also a senate attorney who helps draft and frequently testifies on proposed legislation that affects this city but does not present a conflict as well. Mr. Willard feels that as far as his knowledge base, that is a benefit to council.

Mr. Spillane said he just wanted it out in the public so people can hear it and not talk behind the post or the tree. He then asked Mr. Willard as if he feels that his firm or Mr. Willard has a conflict; Mr. Willard stated that is correct.

Mr. Workman feels this should have been discussed in executive session and not in open session. He asked who put it on the agenda noting that Mr. Willard is appointed by council and works for council. As a result, he should not have been put in this situation. Mr. Workman then apologized to Mr. Willard reiterating this is an executive matter. He apologized again saying his opinion is he falls under personnel which can be legally discussed in a closed session.

Mr. Workman stated that law firms represent various people and clients not only in the county, but the entire state. If there was something specifically done wrong that was brought before council and council agreed that it was wrong, council would then take the appropriate action.

Mr. Spillane said he also wants to address how it got put on the agenda. He had asked the city manager if we could put it on the agenda; it was his understanding it was going to be behind closed doors. Then Mr. Baird advised him that Mr. Willard wanted it on the regular agenda and Mr. Spillane said if that is what he wants. He said the city manager was the one that put it on the agenda.

Mr. Baird agreed that Mr. Spillane prepared a memo that was forwarded to mayor and council. He then spoke with Mr. Willard and originally it was going to be in executive session but through further conversation, they agreed it was best to add it to the agenda for the open session per Mr. Willard's request.

Mr. Workman understands but emphasized the city solicitor works for city council and not for the city manager. He feels that conversation should have been shared with city council. Mr. Baird said that issue falls under FOIA and allows a body to go into executive session to discuss matters involving an individual unless that person requests it be held in open session.

Mr. Workman said the problem is that council was unaware Mr. Willard had made that request and feels they should have been informed beforehand.

Mr. Spillane said the way he is reading the charter, it is not necessary to prove that someone has done something wrong but the people can perceive something which is where there is a problem. He had people calling him that perceived this which is why he brought it before council.

Mr. Starling then stated he feels this was handled wrong and agrees with Mr. Workman. He was under the impression Mr. Willard had done something wrong. Mr. Starling also would have preferred this to be discussed in executive session because it was only an allegation. He also apologizes to Mr. Willard. If he was accused of doing something wrong, he would want it discussed in executive session before it was put on the agenda and brought before the public. Besides that, he sees no grounds for any of these accusations. If someone talked to Mr. Spillane with nothing more than here say and no evidence of any wrongdoing, he feels the accusers should have had more information before turning this matter into what it has become.

Mr. Spillane said that perception is all that is needed to raise a conflict and said he apologizes for that. Mr. Starling said it is too late for that at this point. Mr. Spillane agreed it is.

Mr. Baird said the intent was to have the matter discussed in executive session. He then talked with the parties involved. Mr. Spillane brought the issue to him, which in his opinion was unfounded while raising some very serious accusations. The first person this information was shared with was city council and Mr. Willard. The subsequent conversation with Mr. Willard was to go to executive session under FOIA but council would need to vote to do that. However, when you are dealing with individuals, the individual who is being accused, has the right to discuss it in executive session or open session. He understands that council feels it could have been handled differently, but the facts, which include the information from Mr. Spillane raising a very serious charge, whether founded or unfounded, was put on the table. Then Mr. Willard, the accused, said he was willing to talk about it in open session which is his choice under FOIA.

Mayor Marabello pointed out the item was on the agenda; if council had a problem before it was discussed, a motion could have been made to go into executive session.

Mr. Workman emphasized that he feels the conversation between Mr. Willard and Mr. Baird should have been shared with council because the solicitor works for city council. Also, the information was already out in the public once the packet was prepared. If, after council went into executive session, Mr. Willard chose to have it discussed publicly, he would not have had a problem. He feels the entire matter could have been handled in a much easier manner in executive session.

Mr. Baird then referenced a Delaware Attorney General ruling with regard to a similar situation at the City of Newark that determined that city solicitors are not deemed employees of the municipality. He understands that council appoints the solicitor, but in the opinion of the Attorney General, they are considered employees of the town under Delaware Law.

Mr. Workman reiterated the city solicitor is appointed by city council.

Mr. Baird then recommended that city council close this issue one way or the other.

Mr. Morrow feels we need to move on and feels council is spending too much time on frivolous issues which is an unfortunate waste of time for both council and our citizens. He personally does not see a conflict of interest.

Mr. Brooks said he spoke with Mr. Baird who explained the situation and he sees no problem with Mr. Willard.

Ms. Wilson agrees with Mr. Workman and Mr. Starling and feels we need to move on. She does not see a conflict of interest at all.

Mr. Ambrose said he will respectfully disagree it should have been discussed in executive session only because Mr. Willard wanted this out in the public and feels it was to his advantage to prove it was frivolous matter. He agrees we need to move on.

Mayor Marabello agreed and announced the matter is officially closed.

Wickersham Preliminary Major Subdivision/Approval Extension Tax Parcel 3-30-16.00-5.00

The following letter from Attorney John Tracey, dated January 12, 2009, was presented to city council:

As you are aware, the above-referenced project received preliminary approval from the City Council on March 24, 2008. Since that time, again as you know, we have received a variance from the Board of Adjustment to permit us to vary some of the internal lot designs within the project. As you are also probably aware, we have been working with the City in terms of its plans for the provision of utilities to this portion of the City limits. This has begun to move forward after periods of long delay.

Unfortunately, the delays caused by the decisions with regard to infrastructure necessitates me to request an extension of the preliminary major subdivision approval which is currently set to expire on March 24, 2009. While plans are now moving forward, they are not moving forward in such a way we will be able to have final approval by the March 24, 2009 date.

Therefore, we are respectfully requesting an extension of our approval until March 24, 2010.

City Planner Gary Norris reported this was reviewed by the planning commission and their recommendation was to grant the extension for a year to allow time for the city to work on utility extensions that need to be in place to start and complete this development.

John Tracey of Young, Conaway, Stargatt and Taylor, LLP was present to answer any questions.

Mr. Baird said there has been a lot of discussion between the developer and the city. He explained the property is somewhat isolated which is why it is taking longer to determine what is best for the city and the applicant to move forward.

Mr. Tracey agreed noting there have been substantial discussions with the city engineer and area property owners. Their understanding from Mr. Mallamo is the design and plans for the water have actually moved very far along though the sewer is lagging behind. The work cannot be completed until some conclusions are reached.

Mr. Ambrose moved to grant the extension until March 24, 2010, seconded by Ms. Wilson.

When questioned how much longer this will take to prevent another extension request next year, Mr. Tracy explained he does not know stressing it is in the hands of the city. Once the designs are worked out, the developer is ready to move forward.

Motion carried by unanimous roll call vote.

With no further business, Mr. Ambrose moved to adjourn the council meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting was adjourned by Mayor Marabello at 7:40 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 23, 2009

The City Council of Milford met in Workshop Session on Monday, March 23, 2009 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, James Oechsler, Jr. Owen Brooks, Jr., 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 Timothy Willard

Mayor Marabello convened the Workshop Session of City Council at 7:40 p.m.

Milford Shelter Focus Group/Milford Ministerium

Mayor Marabello received a call from Dorothy Vuono asking to attend one of the meetings with a group of ministers and lay people regarding the homeless situation in the city. The group is looking for some help from the city. The mayor offered a forum to present their case.

Dorothy Vuono stated she lives in Lincoln but works as the Parish Administrator at Christ Episcopal Church in Milford. She said approximately four years ago, she became aware of the women's homelessness in Milford. Hearing from the ministerium pastors, it has become a prevalent problem for many women who do not have a bed to sleep in. Approximately one year ago, with the help of Milford-Lincoln Area Mission, they started a focus group which has grown to thirteen people who now call themselves Circle of Light Ministry. She advised that any checks or money orders can be sent to Post Office Box 35, Milford noting they are currently filing paperwork for incorporation and a 501(c)(3).

Ms. Vuono then introduced fellow members Dan Bond, Joanne Burbage, Ruth Ann Beideman, Kevin Bowers and Joanne Fitchett. Those unable to attend include Chereilyn Homlish of People's Place, Tita Lewis, Director of Milford Community Food Pantry, Peggy Carlino and Russell Hustable of Milford Housing Development Corporation, Stephanie Daniels from Lincoln United Methodist, Reverend/Doctor Jeanel Starling of St. Paul United Methodist Church, Reverend Denise Founds of Ellendale United Methodist and Reverend Phyllis Walton from Avenue United Methodist Church.

Ms. Vuono stated they have been involved with homeless people on a weekly basis often sending people to hotels with shabby accommodations and frequently receiving poor treatment. This ministry hopes to end that for these women. She thanked Mayor Marabello for his support and thanked council for allowing them to speak.

Ms. Vuono said that many people do not want a homeless shelter in their backyard; but to those people, she says they are already here and perhaps people do not know it. She has been told that some people are going to the public library to bathe, some are hanging out at Walmart and some at the local corner. This is a community problem and feels a community-based shelter needs to be established.

The vision she sees is if a woman comes in for a 24-hour situation and has a bed to sleep in, she may have some skills that the Senior Center or City Hall could use. Most of these people want to work and though she agrees that some may want handouts and some may want to take advantage of the system.

She feels that public awareness is needed so that everyone can work together on a shelter that would put Milford on the map. There are very few homeless shelters in the State of Delaware and she hopes that by informing council of this problem, there is some way help can be achieved. It could be financial, perhaps the town owns property, or council is aware of someone that owns a property or a building that could facilitate this homeless shelter situation that would help bring some piece of mind to people out on the street.

Ruth Ann Beideman, Outreach Coordinator at Milford Senior Center, then addressed council stating that her position at the center is growing, not just in the area of homelessness, but in other areas as well. Also President of the Milford-Lincoln Area Ministries, she advised the Circle of Life Ministries is an organization dedicated to bringing lay members of the religious communities, pastors and local officials together to meet the needs of area residents.

Ms. Beideman said that most of us picture the homeless as victims of substance abuse, have mental health issues or are people who are unable to take charge of their lives. Though this is sometimes the case, there are other valid reasons for a person becoming homeless particularly in the senior age bracket. Seniors, both men and women, are becoming homeless as a result of poverty due to increasing medical costs, for example. Some are being forced to live with family members who clash with them. They are then asked to leave or in some cases, simply forced out of the home. The current recession is causing an increasing number of seniors to return to work because of the high cost of living. Many did not have an opportunity to build a retirement fund and their social security income is minimal.

Many are unable to attain affordable housing and waiting lists are often long for subsidized housing. Even if they could afford a subsidized apartment, most waiting lists are a year to a year and a half long.

Ms. Beideman contacted three other shelters. Casa San Francisco in Milton has ten beds—five for women and five for men; ten percent of their clients are homeless seniors. Crisis House in Georgetown has twenty beds—eight for men and twelve for women; five percent of their clients are homeless seniors. Whatcoat Shelter in Dover has forty-six beds—fourteen for men and thirty-two for women and children; twenty percent of their clients are homeless seniors.

She said there are homeless seniors in Milford and believe their numbers will continue to grow in addition to other age brackets. When asked for help from seniors who need shelter, the most she is able to do is make a telephone call and refer them somewhere. After 8:30 or 9:00 p.m., she was unable to help them because the shelters were already full.

Ms. Beideman feels Milford will benefit as well. Those that end up in prison or jail are a huge cost to the community. Providing an emergency shelter affords an opportunity to assist in a person's return to society. There is also an opportunity to find an agency or facility to help. In some cases, having a shelter offers an opportunity for the person to locate affordable housing, medical services, needed prescription drugs and food. Often they have no idea where to seek such services or how to apply for them.

Ms. Beideman asked for help not only from city officials and council, but the community of Milford as well. Anyone with questions should contact her at 302-422-5060 or email her at beidemanr@aol.com.

Joanne Fitchett, Director of Daughters of Zion Outreach Center in Milford said they help women who are pregnant or have small children and find themselves homeless with a child. She said they are living in this town and surrounding areas and because they are homeless, they also feel hopeless. Approximately two and a half years ago, herself and seven other women came in contact with this need and set out to meet and beat it.

Ms. Fitchett said the first young lady they came in contact with they met through the Sussex Crisis Pregnancy Center. She had a set of conjoined twins and was living at an apartment with no furniture and could barely afford the gas to travel from her apartment to see her boys at A.I. Dupont Hospital. Through some generosity, the apartment was furnished and she was provided with a gas card in order to travel back and forth to the hospital. That also made it possible to be there when her boys were successfully separated at the Children's Hospital of Philadelphia.

She said Delaware has no homes for teen girls and is one of the few states in the country with no maternity homes for underage pregnant girls. She said the need is great. The teen birth rate in Delaware is higher than the national average. The birth rate of teens is higher in Sussex County than the other two counties.

She has partnered with maternity homes over the past two years in Maryland, Virginia and Pennsylvania just to be able to assist the pregnancy center within our state. She feels it would be great if Milford was the first town to allow these girls to stay in their own state, next to their friends and families, during such a delicate time of their life.

Ms. Fitchett said that two months ago, they began to house adult women who were expecting or had small children. They

acquired a house that was separated into two apartments—one downstairs and one upstairs. In that, they were able to house a family on the bottom floor and the upstairs unit is used to house two women, either pregnant, or who have a newborn.

She feels that unless more transition housing becomes available, Milford will continue to be overwhelmed by this need. The expenses to keep the apartment up and running is fully dependent upon churches, individuals and businesses along with the ministry.

The women in this program are allowed to stay up to a year. During this time, job placement, education resources, counseling and mentoring programs are offered. By the time, they exit the program, the goal is to provide them with the tools to take care of themselves and their children. Many thought they would never be able to take care of themselves and their children.

She said it is important that Milford meet the needs of homelessness among women of all ages from teens to adults to children. This will benefit not only the women, but the City of Milford as a whole.

Reverend Kevin Bowers of the Presbyterian Church then thanked council for allowing them to be here.

Pastor Bowers reinforced the concern of the area churches who are increasingly seeing homeless people come to their doors. He is seeing an increasing need with rent or utilities costs, though finding a place for someone to stay is a need that is escalating. His office couch has been used for people to spend the night on many occasions.

Pastor Bowers reported that shelters are often full by four o'clock. What they are offering as a remedy is only a band-aid repair; their desire is to do much better.

He said communities are working on comprehensive plans to address the homeless issue not just on an emergency basis, but to provide some longer term residency with the application of social services. People need to be in one place long enough to work on educational and employment issues. Transitional housing is needed though further steps are being taken to go into ownership, rental or leasing. It is a package deal that communities need to address.

Pastor Bowers explained they are not settled on a model, but are visiting a lot of the active shelters in order to focus their own mission. They have somewhat settled on the population which is women with children.

The minister concluded by saying the Homeless Planning Council of Delaware is the agency responsible for statistical gathering for the state and coordinating state agencies and other agency contracts to receive funding for their programs. Included is a point in time study every January where they ascertain numbers for one particular night of the year. The state surveys their sixty-four agencies as well as hospitals and other facilities. Part of their study for 2007 revealed 514 homeless families in the shelters and release systems of the State of Delaware. Of those families, 16 were headed by male heads of household, 37 were headed by two adult heads of households and 461 were headed by women of which the majority were single. Of those, most were living on incomes of less than 50% below the national poverty line.

Ms. Vuono ended by saying they hope the presentation will bring awareness, open hearts and minds to the possibilities of what could happen if given the opportunity. She said they will take donations and advised there is nothing currently in the account. She is hoping the community will come together to build this and are considering asking Habitat for Humanity if a piece of property was obtained. If not, other builders may provide some building materials that members of the churches and communities could use to help build this facility.

She emphasized this is a community project and the support of the mayor and city council, government officials and citizens are needed to make this a success. Anyone willing to donate a piece of property should contact them.

Mr. Starling mirrored what has been said tonight adding his wife, Dr. Starling, has been part of this movement the past fifteen to twenty years. He confirmed there are a number of churches involved as well as the increasing number of requests. He stressed the need noting he is in support of this project 100% and will continue work with council on this project.

Ms. Wilson said they are members of the same church as well as represent Dr. Starling. She said they have been addressing

this on a smaller scale for many years. She, too, is concerned with the number of individuals coming in for this need. She is a member of the Helping Hands Committee, along with Mr. Starling, and she agrees it is unfortunate that lodging can only be provided on a temporary basis which is mainly determined by their finances. She is grateful for this group which is a partnership of churches in Milford. She has been part of this movement all of her life and is one of the reasons she decided to run for council.

Ms. Wilson said she is very appreciative that Mayor Marabello allowed this group to come before council and looks forward to working with them.

Mr. Workman agreed and expressed his appreciation for the presentations. He referred to Ms. Wilson's comments from the last meeting that just because someone may not see it, does not mean it does not exist. Tonight made it real and he is hoping to assist and help these people, particularly considering today's economy which will only make this problem worse.

Mr. Oechsler appreciates the presenters bringing this matter before council. He suggested council direct the city manager to see if there is some property or land in the city, that either a person is willing to donate or the city owns, that could become the starting point. His church also participates in these building projects both inside and outside the country. He is familiar with many people that donate their time to rebuilding after storms or other natural disasters strike.

Mayor Marabello thanked the group for coming. He feels that if we pool all our energies and resources together between the council and the public, it may work. He wanted this brought to the attention of the public because someone may be available to help.

He expressed his appreciation for the presentations.

City of Milford Identity Theft Policy

Mr. Baird recalled that under recent regulation issued by the Federal Trade Commission, the city is required to establish an Identity Theft Policy because we are a utility provider. To bill our customers, it is necessary to collect personal information. The purpose is to protect, prevent and mitigate against personal identity theft.

Through the help of National Rural Water Association and the American Public Power Association, he said an identity theft policy for the city was developed.

The original date for enactment was November 1, 2008 though that date was extended to May 1, 2009. It is now scheduled for adoption at the April 13, 2009 meeting which will comply with the requirement.

Mr. Baird then provided an brief overview of the policy. Employees will be trained on the policy and an annual review will modify the program when necessary.

Kent County Sewer Agreement/Proposed Amendment

Mr. Baird presented the proposed amendment to the city's wastewater agreement for sewer services with Kent County. The amendment is restricted to Article 5-Payment for Services.

He referred to the changes as noted on page two in italics (Rate *with the exception of the debt service associated with the portion of the Southern Transmission By-Pass located within the cooperate limits of Contract User.*) Mr. Baird explained the overall debt service incurred by Kent County on their portion of the sewer line will be classified as a systemwide benefit to be shared by all users within the Kent County Sanitary Sewer District. That will be incorporated into the annual rate charged by the sewer district. The exception is the City of Milford will be responsible for the area from the Kent County Pumping Station on Northeast Front Street that extends north of the high school area.

The bond debt on the city portion will be issued by Kent County under the Kent County Levy Court. The city will be repaying those bonds on a quarterly basis through a separate user charge which is addressed in the newly added language stated below:

C. Southern Transmission By-pass Debt Service Reimbursement. Contract User agrees to pay Owner for the debt service associated with the construction of the Southern Transmission By-pass located within the cooperate limits of Contract User. He confirmed the city will only be responsible for the section that is within city limits.

The final change involved Section ***D. Invoicing:***

Throughout the term of this Agreement, Owner shall invoice Contract User for the flows transmitted through Kent County Pump Station No. 7. Contract User shall pay Owner for all Contract User's sewage transmitted and treated by Owner, on a monthly basis as provided herein above, in an amount determined by multiplying Contract User's actually measured sewage flow for each month times the Uniform Rate.

In addition Owner shall invoice Contract User quarterly for the actual principle & interest associated with the portion of the Southern Transmission By-pass located within the cooperate limits of Contract User incurred by Owner on behalf of Contract User in the previous quarter. Page two says that the overall debt service was shared by users in the Kent County Sanitary users group. With the exception that the city will be responsible for the area from Kent County Pump Station next to the police department up to the area north of Milford High School.

The city manager explained that currently, the city receives a monthly invoice from Kent County. In addition, the city will receive a quarterly invoice for the city's portion of the force main being built and paid for through county bonds.

Mr. Baird reminded council the estimated cost of the project is \$1.7 million. The city is looking at two scenarios both of which involve the county receiving a USDA loan. One scenario is for forty years at 4%; the other was forty years at 2.75%. In conversations that both the county and city have had with USDA, they are extremely interested in having us as a borrower for this project. They are ready and willing to fund it. It does appear there is a good chance of getting the 2.75% as part of the stimulus package passed by Congress in addition to some funds that were left over from the farm bill passed in May of last year. That same package was utilized for the water bond at the same rate.

This means a difference of approximately 7 cents which is 2.75% or (up to) 9.5 cents increase to the user rate for the City of Milford per 1,000 gallons. A customer using 5,000 gallons may see an increase of 35 cents per month or between 45 and 50 cents. On an annual basis, most people will see an increase of \$6.

Council gave a strong nod of approval and directed Mr. Baird to move forward. The purpose is to present to council a basic overview of what is being proposed and some of those costs in anticipation of the matter being voted on at the April 13, 2009 meeting.

When asked if Kent County had planned an information session on this matter, Mr. Baird was unaware of any plans though it will be before Kent County Levy Court throughout the month of April at the Sewer Advisory Board level and before the full commission the latter part of April.

City of Milford Voter Registration List Review

The city manager presented the latest list of voters' registrations. He asked council to review the list and report any changes to the city clerk so the appropriate changes can be made before it is certified on April 13th.

With no further business, Mayor Marabello declared the Workshop adjourned at 8:31 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
March 23, 2009*

On Monday, March 23, 2009, the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting in order to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, James Oechsler, Jr., Owen Brooks, Jr., 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 Timothy Willard

With no persons signed up to speak, Mayor Marabello closed the Public Comment Session at 7:12 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 23, 2009

The Milford City Council held Public Hearings on the following matters on Monday, March 23, 2009 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware

PRESIDING: Honorable Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, James Oechsler, Sr., Owen Brooks, Jr., 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 Timothy Willard

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

Charles Murphy Associates on behalf of Rhoda Friedman for a Minor Subdivision

The City Council of the City of Milford held a hearing to take public comment and make a final determination on the following matter:

Charles Murphy Associates on behalf of Rhoda Friedman for the Final Review and Recommendation of a Minor Subdivision of 6.05 +/- Acres into three lots at 447 Kings Highway, Milford, Delaware. Present Use Single Family Residential; Proposed Use Single Family Residential; Tax Map 1-30-1.19-054.00; Zone R-1.

City Planner Gary Norris advised this is a simple three-lot subdivision and all lots are conforming. It was reviewed by the planning commission. Their one recommendation was that sidewalks be installed on the newly created lots prior to a certificate of occupancy being issued.

Harry Murphy of Charles Murphy Associates presented the application. Mr. Murphy said this is a two lot with a residue minor subdivision. Approval was received from DELDOT, State Fire Marshal and the city planning commission with the condition referenced by the city planner.

Mr. Workman advised that this area has no sidewalks. He asked if we are now requiring any new houses in a subdivision to have sidewalks. The city planner explained it is a requirement of the subdivision ordinance and the planning commission is making the recommendation based on that ordinance.

Mr. Workman then confirmed the current homes in the area without sidewalks will not be required to have sidewalks. Mr. Norris stated yes, the requirement applies to the new subdivision.

Mr. Spillane asked for a clarification of the number of lots. Mr. Murphy explained there are two building lots and one residue; only two will be built on.

When asked about wetlands, Mr. Murphy noted there are wetlands in the rear of the property though it is not a wetland's preservation area.

When asked by the mayor if anyone from the public wished to speak, no one responded. Mayor Marabello then closed the hearing to public comments.

Mr. Oechsler moved for approval of the subdivision subject to the planning commission's recommendation that sidewalks are required on the newly created lots prior to a Certificate of Occupancy being issued, seconded by Mr. Morrow.

Motion carried by unanimous roll call vote.

Steve Buckles on behalf of Joy Courtney for a Change of Zone

The City Council of the City of Milford held a hearing to take public comment and make a final determination on the following matter:

Steve Buckles on behalf of Joy Courtney for a Change of Zone from R-1 (Residential) to OC-1 (Office Complex) to allow for a dental office at 820 Seabury Avenue, Milford, Delaware. Tax Map 1-30-3.11-055.01.

City Planner Norris advised this process started approximately one year ago at the time the application was submitted. At that time, the comprehensive plan did not show this as commercial. Subsequently, the area in question was changed to highway commercial with the intended use a dental office. Mr. Norris then recalled the comp plan was adopted by city council. However, the state has held up certification because of some language in our Source Water Protection Ordinance. Though the ordinance has nothing to do with the comp plan, it was included as a reference. A letter is expected from DNREC with their recommendation for the ordinance.

The application was reviewed by the planning commission and conforms to the 2008 Comprehensive Plan. Their recommendation was for approval contingent upon the governor signing the 2008 Comprehensive Plan.

Mr. Baird added that any land use decisions approved by this body must be in conformance with the city's comprehensive plan. The application is in conformance with what was adopted by council earlier this year, but is waiting for certification by the state. DNREC does not agree with the source water portion of the plan. He said that though we disagree on the number of procedural issues and do not feel they have the authority to do that, we are trying to work out some sort of agreement in order to obtain final certification.

Once that is completed and our plan is certified, the application will be brought back before council for final action.

Steve Buckles was present to represent the seller of this property. When asked the status of the existing home on the property, Mr. Buckles stated the original plan was to remove the house and replace it with new construction. However, the sale is contingent on the change of zone. He referenced several adjoining commercial properties and/or medical offices.

When asked for public comment, no one spoke for or against the application. The comment session on this application was then closed by Mayor Marabello.

The matter will be placed on an upcoming council agenda following certification of the City's Comprehensive Plan by the State of Delaware.

The Public Hearings ended at 7:12 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk