

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2015

Milford City Council held a Public Hearing on Monday, September 28, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: Assistant City Solicitor James Sharp, Esquire

Mayor Shupe called the Public Hearing to order at 7:06 p.m.

City Planning Coordinator Rob Pierce advised that all public hearing items on the agenda are related to the new Bayhealth Medical Campus south of Wilkins Road, west of Route 30 and east of Elks Lodge Road and somewhat north of Johnson Road.

Two parcels are proposed to be annexed and zonings changed from their Sussex County designation to IS (Institutional Service District).

Mr. Pierce explained the purpose of the IS district is to further the public health, safety and welfare by providing locations for schools, government buildings, health care related uses and all other health care facilities with appropriate access to streets, utilities and municipal services.

Adoption/Ordinance 2015-12/Key Properties Group/Change of Zone/7254 & 7272 Cedar Creek Road

Mr. Pierce informed council the annexation and change of zone applications meet the conditions for approval based on the following:

- * The annexation and new zoning classification conform to the Southeast Master Plan for the City of Milford in relation to land use and intensity of nonresidential building and location.
- * Transportation facilities, water and sewerage systems, storm drainage systems and fire suppression facilities are adequate to serve the proposed use and are either in existence, or programmed for construction.
- * There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the city.

Ordinance 2015-12 relates to the change of zone of tax parcels' 3-30-15.00-058.01 & 3-30-15.00-058.04 which is approximately 2.6 acres. The comprehensive plan designation is employment and the current use is two single family dwelling units whose addresses are 7254 Cedar Creek Road and 7272 Cedar Creek Road.

The proposed use is medical campus; their current zoning is AR-1 in Sussex County and the proposed City of Milford zoning is IS (institutional services).

An annexation committee meeting took place on July 27, 2015 which resulted in a positive recommendation. The plan of services was accepted by the Office of State Planning on August 19, 2015.

The planning commission reviewed the application and recommended approval at their public hearing on September 15, 2015 by unanimous vote.

Representing Bayhealth, Gregory V. Moore, P.E. of Becker Morgan Group, stated he was present to answer any questions

as he indicated throughout the hearing.

Ms. Wilson stated that city council is excited to get to this point. They, too, have worked for the past five years on this area and are happy to see the hospital taking advantage and that the project is finally coming to fruition.

There were no additional comments from city council.

When asked for public comments, Michael Spillane of 20 Clearview Drive, Hearthstone Manor, noted that the front entrance to Hearthstone on Wilkins Road floods every time it rains and becomes dangerous. He spoke with the city and state on several occasions. When he spoke to the state, they somewhat blamed the city. But they also agreed it is in the county though the flooding was a result of poor planning. They agreed that they may also be a little at fault. He suggests that it may be a good time to fix the drainage problems with the construction that will occur in this area.

Mr. Spillane explained that the entrance into the hospital site will be adjacent to Hearthstone. He asked if the hospital is planning to do anything to the roadway to help alleviate this problem and if any possible work is scheduled on the swales. He noted there is also a creek at the entrance of Hearthstone that often overflows during a rain event.

He explained that Wilkins Road, which is a state-maintained road, is higher than the Hearthstone streets.

Mr. Spillane is aware the hospital will need to construct stormwater ponds and asked how much drainage will flow over into the Hearthstone ponds as a result.

Mr. Moore responded by stating they are not yet at the detailed engineering stage where they will account for those issues. However, they are starting that process and tonight is the initiation. They are well aware of flooding on their side of Wilkins Road that exists along their entire frontage. He agrees there are not any drainage systems in the roadway even though it is a DeIDOT roadway.

Mr. Moore believes the lack of drainage systems is the cause of the problems Mr. Spillane described.

He cannot assure Mr. Spillane that the hospital will correct any of the problems on the Hearthstone site because they are not responsible for that side of the roadway. However, they do plan to install new drainage along the entire road which will drain the water from the hospital property to the direction where there is an outfall. The water will then flow toward the bay area and away from Hearthstone.

Mr. Moore is very confident they will correct the drainage problems on their side of Wilkins. He said it may be possible to go through Wilkins though that will be based on DeIDOT's requirements. At this point, they are in early discussions as to how to position entrances and where the roadway will need to be widened.

Mr. Moore assured Mr. Spillane that the hospital will actively work with their neighbors to assure a good relationship. They will do what they can though he cannot guarantee any work on any property beyond the hospital's area.

Ms. Wilson confirmed that DeIDOT and DNREC are aware of this problem in addition to several members of city council who will recall it being discussed for many years.

She asked Mayor Shupe and Interim City Manager Portmann to touch base with DeIDOT and DNREC and attempt to resolve this problem during the hospital construction. She agrees the Hearthstone residents have put up with this problem for many years and it has yet to be resolved.

Mayor Shupe agreed to get back in touch with Mr. Spillane.

Mr. Spillane said he appreciates that but even if the hospital is unable to do anything on the Hearthstone side, perhaps the city could do something considering the construction and road work that will be needed over the next several months. He suggests the city fix the mistakes they previously made and hopes this can be resolved.

Mr. Brooks moved to adopt Ordinance 2015-12 so that the hospital can proceed with their plans, seconded by Mr. Mergner:

ORDINANCE 2015-12
Annexation/Lands belonging to Key Properties Group LLC
Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04
2.56 +/- Acres
Current Zone AR-1 / Proposed Zone IS

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Key Properties Group LLC, Tax Parcel 3-30-15.00-58.01 and 3-30-15.00-58.04, situated west side of Cedar Creek Road (DE Route 30), between Wilkins Road (County Road 206) to the north and Fork Road to the south, upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owner, thereof, has petitioned City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed and become part of the City of Milford and that a zoning classification is required, and

WHEREAS, the land owned by Key Properties Group LLC is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on September 15, 2015 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on September 28, 2015 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. 3-30-15.00-58.01

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning, containing 1.2800 acres of land be the same, more or less.

&

Tax Parcel No. 3-30-15.00-58.04

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning, containing 1.2802 acres of land be the same, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as IS (Institutional Service District).

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

Adoption/Resolution 2015-27/Annexing/Key Properties Group Parcels/7254 & 7272 Cedar Creek Road

Mr. Burk moved to adopt Resolution 2015-27 for the reasons stated by the Planning Commission and recommendation to city council, seconded by Mr. Morrow:

Resolution 2015-27

Annexation/Lands belonging to Key Properties Group, LLC

Tax Parcel No. 3-30 15.00 58.01

1.28 +/- Acres

Current Zone A-R/Proposed Zone I-S

Annexation/Lands belonging to Key Properties Group, LLC

Tax Parcel No. 3-30 15.00 58.04

1.28 +/- Acres

Current Zone A-R/Proposed Zone I-S

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City the following described lands, to wit:

Tax Parcel No. 3-30 15.00 58.01
7254 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (S.R. 30) and being bounded on the east by said Cedar Creek Road, on south by lands now or formerly of Louis J. & Shirley L. Renzi and on the west and north by other lands now or formerly of Key Properties Group, LLC, and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group Inc., said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following three courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 694.73 feet, chord bearing and distance of said arc being South 13°41'22" East 694.65 feet to a set concrete monument; thence South 12°15'04" East 198.51 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road 1) South 12°15'04" East 209.89 feet to point at a corner for this parcel and lands of Louis J. & Shirley L. Renzi; thence running with said other lands of Renzi 2) South 77°49'10" West 265.77 feet to a found iron pipe with cap a corner for this parcel and other lands of Key Properties Group, LLC; thence with said lands of said lands of Key Properties Group, LLC the following two courses and distances 3) North 12°11'12" West 209.89 feet to found iron rod; thence 4) North 77°49'10" East 265.53 feet to the point and place of beginning,

CONTAINING 1.2800 acres of land be the same, more or less.

&

Tax Parcel No. 3-30 15.00 58.04
7272 Cedar Creek Road

All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the Cedar Creek Hundred, Sussex County, State of Delaware, lying on the westerly side of Cedar Creek Road (SR 30) and being bounded on the east by said Cedar Creek Road and on the south, west and north by other lands now or formerly of Key Properties Group, LLC and as shown on a recent boundary survey prepared by Becker Morgan Group, Inc., in December of 2014 and being more particularly described as follows to wit:

Beginning at a point in line with the westerly right-of-way of Cedar Creek Road and a corner for this parcel and other lands of Key Properties Group, LLC, said point being as measured from a set concrete monument at the southerly end of a daylight corner for the westerly right-of-way of Cedar Creek Road and southerly right-of-way of Wilkins Road the following two courses and distances along the westerly right-of-way of Cedar Creek Road; South 15°07'40" East 85.09 feet; thence along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 683.14 feet, chord bearing and distance of said arc being South 13°42'49" East 683.07 feet to point of beginning; thence continuing with the westerly right-of-way of Cedar Creek Road the following two courses and distances 1) along the arc of a circle curving to the right having a radius of 13,837.52 feet and an arc length of 11.59 feet, chord bearing and distance of said arc being South 12°16'31" East 11.59 feet to a set concrete monument; thence 2) South 12°15'04" East 198.51 feet to a point at a corner for this parcel and other lands of Key Properties Group, LLC; thence with said other lands of Key Properties Group, LLC the following three courses and distances 3) South 77°49'10" West 265.53 feet to a found iron rod; thence 4) North 12°11'12" West 210.10 feet to a point; thence 5) North 77°49'10" East 265.29 feet to the point and place of beginning,

CONTAINING 1.2802 acres of land be the same, more or less.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on February 18, 2014,

having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

Now, Therefore, Be It Resolved,

That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware where said lands are situate.

The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to, the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 1 and City Council intends that these parcels become part of and be included within the Ward 1 area upon annexation.

That the Official Zoning Map and Boundary/Ward Map(s) of the City of Milford, Delaware be amended to include the herein described property.

Now I, Bryan W. Shupe, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on September 28, 2015 at which a quorum was present and voting throughout and that the same is still in full force and effect.

Motion carried.

Approval/Annexation Agreement/Key Properties Group/7254 & 7272 Cedar Creek Road

Ms. Wilson moved to approve the Annexation Agreement between Key Properties Group LLC and the City of Milford and to authorize the mayor to sign the document, seconded by Mr. Starling. Motion carried.

Adoption/Ordinance 2015-17/Bayhealth Medical Center Inc/Change of Zone/7296 Cedar Creek Road

Mr. Pierce advised that this involves two parcels totaling approximately three acres, previously owned by Louis & Shirley Renzi at 7296 Cedar Creek Road and sold to Bayhealth following the submission of the application to the city.

Its current use is single family dwelling and the proposed use is medical campus. The change of zone being requested is IS (institutional services). Both parcels were originally annexed into the city in April of 2010 as C-3 (commercial).

The planning commissioner recommended approval by unanimous vote, following a public hearing on September 15, 2015.

City council had no questions.

Mayor Shupe opened the floor to public comment; no one responded and the comment session was closed.

Mr. Grier moved to adopt Ordinance 2015-17, based on the planning commission findings and recommendation, as well as his opinion this is a more appropriate use in an institutional service district versus a commercial use, seconded by Ms. Wilson:

Tax Parcel 3-30-15.00-059.00 and 3-30-15.00-059.01
3.00 +/- Acres
Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 3.00 +/- acres of real property from C3 to IS at 7296 Cedar Creek Road, Lincoln, Delaware. Present Use: Single Family Residential. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-059.00 and 3-30-15.00-059.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-059.00 and 3-30-15.00-059.01, owned by Bayhealth Medical Center Inc.* located at 7296 Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

*Former lands of Peter and Shirley Renzi

Motion carried.

Adoption/Ordinance 2015-18/Bayhealth Medical Center Inc./Change of Zone/Cedar Creek Road

Mr. Pierce advised that parcel 3-30-15.00-050.01 is approximately 42.5 acres and its current comprehensive plan designation is employment. The parcel is currently vacant and the proposed use is medical campus.

The request is to change the zoning designation from R3 (residential) to IS (institutional services). It was originally annexed into the city in March 2006.

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

Council had no additional comments.

Mayor Shupe opened the floor for public comment.

Michael Spillane of 20 Clearview Drive, Hearthstone Manor, recalled a traffic study was done several years ago for a shopping center. He was told the same traffic study will be used for the hospital. He is very concerned about the increase in traffic which could negatively impact the surrounding neighborhoods if not handled properly.

The hospital's engineer Gregg Moore stated that this is his expertise. He explained the previous traffic impact study, which was done by the previous developer, has been evaluated. The traffic impact study actually generates more than ten times the traffic in a retail capacity than a proposed hospital and campus. He emphasized that the analysis was approved by DelDOT. Therefore, the study does stand though they are continuing to do further studies of the intersections.

He agreed the traffic counts have been done along the roadways and those statistics will be incorporated into the analysis so that the intersection designs are based on the actual traffic coming to a hospital. As a result, additional traffic impact studies are being performed to facilitate the correct entrances into the site.

With no additional responses, Mayor Shupe closed the floor for comments.

Mr. Grier moved to adopt Ordinance 2015-18, changing the zoning designation to institutional services which is a more appropriate designation considering the medical campus and uses, seconded by Mr. Starling:

ORDINANCE 2015-18
Change of Zone/Lands belonging to Bayhealth Medical Center Inc.
Tax Parcel 3-30-15.00-050.01
42.55 +/- Acres
Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 42.55 +/- acres of real property from R3 to IS on Cedar Creek Road, Lincoln, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.01

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.01, owned by Bayhealth Medical Center Inc. located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

Adoption/Ordinance 2015-19/Country Life Homes Inc./Change of Zone/20203 Elks Lodge Road

Mr. Pierce informed council that parcel 3-30-15.00-058.03 consists of approximately 6.35 acres. The current use is poultry houses and the proposed use is a medical campus. The current zoning is C3 (commercial) and the proposed zoning is IS (institutional services).

This parcel was originally annexed into the city in November of 2005.

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

Council had no further comments.

Mayor Shupe opened the floor to public comment.

Michael Spillane of 20 Clearview Drive, Hearthstone Manor, explained there are no substations on that side of town. He

asked if the city had plans for a substation for fire and police services. He feels fire services are needed to address the increase in structures in that area. He recalled at one time, land was being provided by a developer for a fire substation.

Mayor Shupe informed him that currently there are no plans for a police or fire substation. They will take that option into consideration as the city continues to grow.

Mr. Pierce advised that the Carlisle Fire Chief reported that the current response time for fire service from the fire house to the proposed hospital will be increased due to the length and distance. However, a substation was not discussed.

It was agreed that a future meeting of the fire department, police department and Bayhealth will be planned to review the hospital's evacuation plan.

Mr. Pierce recalled the Southeast Master Plan contained information that a fire substation would be considered once all the developments were at full build-out.

Mr. Pierce asked Mr. Moore if they had determined whether or not they would have an ambulance substation at the hospital.

Mr. Moore stated the hospital has a full emergency department with emergency vehicles and ambulances at the facility just as there is at the current facility on Clarke Avenue. Beyond that, they have not had any additional conversations.

Mayor Shupe closed the floor to further public comments when no other person wished to speak.

Mr. Burk moved to adopt Ordinance 2015-19, based on the unanimous recommendation and decision of the planning commission, seconded by Mr. Grier:

ORDINANCE 2015-19
Change of Zone/Lands belonging to Country Life Homes Inc.
Tax Parcel 3-30-15.00-058.03
6.35 +/- Acres
Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.35 +/- acres of real property from C3 to IS at 20203 Elks Lodge Road, Lincoln, Delaware. Present Use: Poultry Houses. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.03

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.03, owned by Country Life Homes Inc. located at 20203 Elks Lodge Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

Adoption/Ordinance 2015-20/Bayhealth Medical Center Inc./Change of Zone/Cedar Creek Road

Mr. Pierce advised that parcel 3-30-15.00-050.11 consists of approximately 11.51 acres and is somewhat located in the middle of the parcel. The comprehensive plan designation is employment; the parcel is currently vacant and the proposed use is medical campus.

This parcel was annexed into the city in September of 2005 as an R-3 (residential) designation. The request this evening is to change that to IS (institutional services).

The planning commission recommended approval by unanimous vote following a public hearing on September 15, 2015.

City council had no questions or comments.

Mayor Shupe opened the floor for public comment; no one responded. The floor was then closed.

Ms. Wilson moved to adopt Ordinance 2015-20, based on the recommendation and unanimous vote of approval by the planning commission, seconded by Mr. Starling:

ORDINANCE 2015-20
Change of Zone/Lands belonging to Bayhealth Medical Center Inc.
Tax Parcel 3-30-15.00-050.11
11.51 +/- Acres
Current Zone R3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 11.51 +/- acres of real property from R3 to IS on Cedar Creek Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-050.11

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-050.11, owned by Bayhealth Medical Center Inc. located on Cedar Creek Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

Adoption/Ordinance 2015-21/Key Properties Group/Change of Zone/Wilkins Road

Mr. Pierce advised the final ordinance is for Key Properties Group LLC on behalf of Bayhealth Medical Center. Parcel 3-30-15.00-058.00 consists of approximately 103 acres to the north.

The current comprehensive plan designation is employment; the parcel is currently vacant and its proposed use is medical campus.

At the time of annexation into the city in November of 2005, it was zoned C3 (commercial) and the proposed zoning designation is IS (institutional service).

The planning commission voted unanimously to recommend approval following a public hearing on September 15, 2015.

City council had no comments or questions.

Mayor Shupe opened the floor to public comment; no one responded and the mayor closed the public hearing for further comments.

Mr. Grier moved to adopt Ordinance 2015-21 in support of the planning commission's unanimous recommendation to approve and his support of the change of zone to institutional services, seconded by Mr. Mergner:

ORDINANCE 2015-21
Change of Zone/Lands belonging to Key Properties Group LLC
Tax Parcel 3-30-15.00-058.00
102.99 +/- Acres
Current Zone C3/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 102.99 +/- acres of real property from C3 to IS on Wilkins Road, Milford, Delaware. Present Use: Vacant. Proposed Use: Bayhealth Medical Center Health Campus. Tax Map and Parcel: 3-30-15.00-058.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on September 15, 2015; and

WHEREAS, Milford City Council will hold a Public Hearing on September 28, 2015 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.00, owned by Key Properties Group LLC located on Wilkins Road, is hereby zoned IS.

Dates:

Introduction: September 14, 2015

Planning Commission Public Hearing & Recommendation: September 15, 2015

Adoption Date: September 28, 2015

Motion carried.

With no further business, the Public Hearing was adjourned by Mayor Shupe at 7:31 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2015

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 28, 2015.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager Hans Medlarz, Police Chief Keith Hudson and City Clerk/
Recorder Terri Hudson

COUNSEL: Assistant City Solicitor James Sharp, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:33 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Downtown Master Plan

Councilman Grier reported that ten days ago, he was at the unveiling of the Downtown Master Plan at Abbotts Grill. The firm that was hired to do this did a fantastic job and the presentation is much better than he anticipated. He said the renderings and changes to the building were outstanding.

Bayhealth Campus and Nemours Partnership

Mr. Grier also noted that they were back at Abbotts Grill this past Tuesday for Bayhealth's presentation and their announcement that their new Milford campus has been enhanced through a new partnership with Nemours. Nemours will have its own outpatient facility on the new campus dedicated to both children and seniors who would typically need to drive to Nemours in Wilmington to receive specialized treatment. He was extremely pleased with the attendance at all the events.

Charter Review Committee Meeting

Mayor Shupe said he met with Interim City Manager Portmann and City Clerk Hudson to discuss the charter review committee meeting. They agreed that at this point, it would be beneficial to wait until the first of the year considering the hiring of a city manager and a new police chief. He would like to wait until those positions are filled before we begin this process. It would be particularly advantageous to the city manager who would go through this process with a step-by-step review of the document.

Councilman Burk said he had a work-affiliated meeting with the code enforcement and building official. He mentioned the charter review to them and suggests we open it up to citywide employees. He felt that if any of them had any suggestions for changes that might streamline the process, he recommends we let them know because they deal with the code on a regular basis. He feels they probably have ways to make it more efficient which will make councils' job a lot easier.

COMMUNICATIONS

Included in packet.

UNFINISHED BUSINESS

Adoption Ordinance 2015-24/Electric Rules and Regulations/Theft of Services (Public Areas)

This ordinance addresses the free electric issue currently being taken advantage of by several people in the public areas in our parks and downtown area. This will officially provide rules and penalties for anyone caught using unauthorized electricity.

Chief Hudson suggests that we spread the word that this is illegal. Right now, there is nothing downtown or in the parks that states it is prohibited. Councilman Grier asked if Chief Hudson prefers this be posted; Chief Hudson feels it would be helpful and believes that informing these people is of the utmost importance.

Mr. Brooks said that is why we have newspapers. Mayor Shupe suggests creating a marking plan to get the information out to the newspapers and onto our websites, facebook, etc. Chief Hudson agrees that the more publicity will help both the police and code officials.

Mr. Grier recalled previous discussions about similar ordinances relating to sewer and water codes.

Assistant Solicitor Sharp informed council that his firm has been working on those ordinances. Solicitor Rutt is on vacation and upon his return, he will address that. He expects council will see something soon.

Councilwoman Wilson said that Chief Hudson wants to make sure this information is provided to the public before it goes in effect. She does not want someone to get arrested tomorrow for stealing electric now that this is official. Communication is needed and people in general do not read newspapers.

Mayor Shupe said that is a good point but we will put the information out through all our connections and on the enforcement side, they will warn people before they are actually arrested.

Councilman Morrow asked if there are any devices such as lock boxes or socket covers that can be added. Chief Hudson recalled when the Electric Superintendent reported that his department had been installing various types of covers to prevent easy access. However, that still allows access by the organizations using the parks for planned events.

Mayor Shupe agreed adding there are several locations where timers have been installed. If someone rents the park for four hours, Parks and Recreation staff can set it to go off after their rental time. He said a significant amount of work has been done to prevent this from recurring.

The mayor explained that the outlets are turned on for the Farmer's Market and turned off after everyone leaves. He recalled asking the Electric Superintendent the cost of the electric used by the farmer's market during the four hours; he informed council the farmers market only used 7 kWh at a cost of fifty cents each Saturday morning.

He explained the problem was not with the farmer's market or others renting the parks, but people who were plugging in randomly when the businesses were closed. That is the reason this ordinance was needed.

Mr. Burk reported that he recently witnessed someone who was connected to an outlet in the Georgia House alcove while they were closed. He noted that the person had his laptop on the table when they weren't open and he assumes that is trespassing. It is obvious they are trying to find other ways.

Chief Hudson said that area has been recently been chained off when the restaurant is closed.

Ms. Wilson said she can understand people plugging in their laptops and cell phones, but a refrigerator and other similar items are a problem. She tries to remain close to the street and open-minded to those people, but does not understand that type of activity.

She pointed out they do not receive an electric bill so they cannot be informed through their utility bill. Nor do they read the newspapers.

Mr. Brooks said they have to live somewhere; Ms. Wilson said not necessarily because a lot of these people are outside all the time. Therefore, they may not have shelter. She concluded by stating that we cannot forget our homeless in Milford. She is only asking that the word gets out.

Mayor Shupe said the first line of defense will be our police officers and has faith they will get the message out. He also knows that Chief Hudson will relay the information to them and ask that these people are properly informed.

Mr. Grier moved to adopt Ordinance 2015-24, based on the protection of the city's electric, seconded by Mr. Burk:

WHEREAS, The City of Milford maintains electrical outlets that are located in areas open to the general public; and

WHEREAS, The City of Milford installed this electrical outlets for the exclusive use of the City of Milford; and

WHEREAS, any use of these electrical outlets is paid by the City of Milford; and

WHEREAS, The City of Milford desires to update Appendix B of the City Code to recognize that any unauthorized use of these electrical outlets or other electric service maintained and paid by the City of Milford is prohibited.

NOW THEREFORE, THE CITY OF MILFORD ORDAINS:

Section 1.

Section 15 of Appendix B of the Code of the City of Milford, entitled "TAMPERING WITH CITY PROPERTY," shall be amended by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 15 - TAMPERING WITH AND THEFT OF CITY PROPERTY

15.1

TAMPERING EXPRESSLY FORBIDDEN

No person except a duly authorized representative of the City shall make any connection or disconnection, either temporary or permanent between Service load of the Customer and Service wires of the City; or set, change, remove or interfere with or make any connections to the City's meter or other property or any wiring between the City's meter and the Service wires of the City. By taking Service from the City, the Customer agrees to respect the integrity of the meter seal.

15.2

THEFT OF CITY PROPERTY

No person shall commit theft of Services that are owned by or billed to the City. Theft of Services is obtaining Services owned by or billed to the City by deception, threat, coercion, stealth, tampering or use of false token or device. For purposes of this section, "tampering" includes, but is not limited to, making a connection of any wire, electronic device, conduit or device to any Service, electrical outlet, or transmission line owned by or billed to the City. No person shall be in violation of this section if the service is expressly stated to be for use by the public, or for any act that was expressly authorized by a duly authorized representative of the City.

15.3

LIABILITY FOR TAMPERING OR THEFT OF CITY PROPERTY

In the event of the City's meters or other property being tampered or interfered with, the Customer being supplied through such equipment shall pay the amount which the City may estimate is due for Service used but not registered on the City's meter, and for any repairs or replacements required, and such changes in Customer's installations as may be required by the City. Furthermore, the Customer may be subject to a utility tampering fee in accordance with the Fee Schedule, Appendix 1.

Any person found committing an act of theft of services as provided under Section 15.2 shall be subject to a penalty of \$25.00 for each violation. Furthermore, the person may be reported to the police for potential criminal charges.

When the City discovers evidence of tampering or interference, Services may be terminated and the police will be notified for possible criminal charges. Upon request and pending police action, the Customer may be reconnected after all applicable fees have been paid. (See Fee Schedule, Appendix 1).

Section 2.

Dates.

Introduction: 09-14-2015

Adoption: 09-28-2015

Effective: 10-08-2015

Motion carried.

Proposal for Tourism Feasibility Study of Milford & Funding Source

Mayor Shupe advised that Christine Crouch has helped a great deal with this program. We received a grant from the USDA and a feasibility study will be done by the University of Delaware graduate students from the Hotel Restaurant Institution Management School. They will determine the feasibility of diversifying and expanding the current tourism attractions and infrastructure in the City of Milford. The aim is to offer recommendations for the development of marketing of the city's tourism products.

He further explained that the program will provide empirical evidence behind the investments the city makes in tourism.

The graduate students will interview people from Milford and visitors and ask why they are here. They will ask what could be more attractive in Milford. By gaining this information, they will come up with recommendations of how the city should spend their tourism money.

Mayor Shupe reminded council that the city received a \$13,000 grant for a feasibility study; the city must provide a match of \$2,000 for a total project cost of \$15,000.

Mr. Brooks moved to approve that \$2,000 match be funded from the economic development fund, seconded by Mr. Morrow. Motion carried.

NEW BUSINESS

Adoption Resolution 2015-26/Scheduling Fall Clean-Up Week

The city provides two weeks whereby citizens can put out extra items and items that are normally considered bulk items at no extra charge to the customer. It has been scheduled for the week beginning October 5th; should we have inclement weather that week, it will be extended until October 16th.

Mr. Burk moved to adopt Resolution 2015-26, seconded by Mr. Brooks:

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 5, 2015 to October 9, 2015 "Fall Clean-Up Week" in the City of Milford; in the case of inclement weather, "Fall Clean-Up Week" will be extended through October 16, 2015.

Motion carried.

Mr. Brooks noted that yard waste is picked up every other week and asked if everyone's yard waste will be picked up that week.

Mayor Shupe believes that both routes will be done the same week. Mr. Grier reported that Monday trash customers will have their yard waste picked up on the 7th; Tuesday and Friday trash customers will have it picked up on the 14th.

Mr. Brooks said his day is Tuesday and that is not his week. Mr. Grier reiterated that Mr. Brooks' yard waste would be picked up on October 14th. Mayor Shupe said he does not believe that yard waste is not included in bulk pickup.

Mayor Shupe then advised that Christie Murphy of Public Works confirmed yard waste will be picked for all customers the week of October 5th.

Downtown Milford Master Plan Recap

Mayor Shupe reported that Arnett Muldrow and Associates was hired to do a Downtown Master Plan. On Monday, Tuesday and Wednesday two weeks ago, a lot of residents participated. A public input meeting was held at Arena's in Downtown Milford on Tuesday and more than one hundred people attended. The mayor and his team met with community leaders and business owners. They met with six downtown property owners who own fifteen buildings in the downtown area and discussed the future of each of their buildings and properties.

He spent three full days of committing to our residents.

On Thursday night, the team had a meeting at Abbotts Grill where they unveiled the plan which included some recommendations for Downtown Milford. Almost two hundred people attended that meeting.

There were recommendations of everything from adding lights to the electric lines on Park Avenue to ideas of residential and commercial rehabilitations downtown. The plan is available on line for review.

Arnett Muldrow and Associates will come back to city council with a final report at a later date. From that point, the economic development committee will discuss the final plan and what projects can be accomplished. Council can decide at that time to implement some of the recommendations.

Mayor Shupe felt it had a lot of merit and provides a number of opportunities for public and private investments. In addition to the City of Milford stepping up with funding, we need to lean on our private investors and building owners to do some work to their properties and in the downtown area as well.

In 2019, the new hospital will open and the vitality of the downtown area and Clarke Avenue facility will be instrumental in how we move forward.

Mr. Brooks said the city has always worked with the downtown group for decades. He recalled Roland Ridgeway starting the downtown group more than thirty years ago. At that time, he was hired to acquire grants for various merchants. Later on, Dr. Bruce Topol became very involved in downtown. We then hired a downtown director to oversee that area.

He emphasized that the city has focused on that area and assisted business owners for many years.

Mayor Shupe said he was really attracted to the downtown master plan because over the past thirty years, city council and property owners in Milford have put millions of grant dollars from the state and federal government, along with private donations, to build the Mispillion Riverwalk and Milford Library. He is hoping to use the plan to enhance the riverwalk and other investments.

He feels the infrastructure is there and we now need to move into the future. We need to make sure the riverwalk and parklands are used and that the people go into those downtown businesses and that people are eating in the restaurants.

The mayor feels the dog park helped activate goat island. People taking their dog to the dog park see the nature preserve where they now go to walk their dogs.

Mr. Burk referenced the newly formed partnership between Mispillion Brewery and Abbotts Grill in Smyrna. He would like to see similar partnerships in Milford. He spoke with a business owner recently who was asking about grants and discussed possibly revolving funds. Anything the city is able to do he will support 100% , whether it is new businesses or an existing business that wants to expand. He said a lot of businesses want to open here especially with the new hospital opening in 2019.

Mayor Shupe reported that the city planner and he have been working with numerous entities that want to locate in our downtown area. They have asked about a loan program and one being considered is the USDA's REDLG. Councilman Grier and Mayor Shupe were discussing this issue and will set up an economic development committee to discuss possible funding. They agree that a plan is needed if the city were to provide grants and loans. A procedure is needed and criteria will have to be met. They do not want to be accused of favoring one person over another so criteria needs to be in place.

Mr. Brooks asked the status of the aquarium; Mayor Shupe said they met with the group this evening adding there was a potential investor. There has been a significant amount of funds raised as was requested by city council.

Mr. Brooks recalled telling Bill Pilecki that once he obtained a certain amount, the city would match that money. Mr. Grier agreed and reported that he had approximately \$10,000 in the bank and needed \$14,000 for the study. Mr. Pilecki then acquired \$3,000 from Kent County Levy Court and also \$12,000 from the USDA though that is a reimbursement fund and not actual cash in hand.

Right now, Mr. Pilecki is proposing to spend his own money to get the city money. He will then be personally reimbursed by the USDA.

Downtown Milford Master Plan Meetings/Economic Development Fund

Mayor Shupe explained a motion is needed to approve the costs associated with the numerous Downtown Milford Master Plan meetings that were held.

Mr. Mergner moved to approve \$2,400 be paid from the Economic Development Fund to cover food expenses, seconded by Mr. Grier. Motion carried.

Executive Session

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Mr. Morrow moved to go into Executive Session reference personnel matters, seconded by Mr. Burk. Motion carried.

Mayor Shupe recessed the Council Meeting at 8:14 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.

Return to Open Session

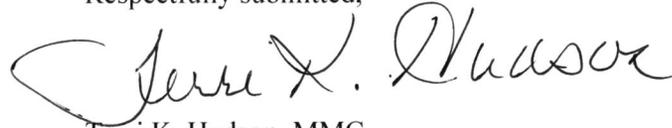
City Council returned to Open Session at 8:55 p.m.

No action needed.

ADJOURN

The City Council meeting was adjourned at 8:56 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the printed name and title.

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2015

The City Council of the City of Milford met in Workshop Session on Monday, September 28, 2015 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Chris Mergner, Garrett Grier III, Lisa Ingram Peel, James Burk, Owen Brooks Jr., Douglas Morrow Sr., Katrina Wilson and James Starling, Sr.

Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: Assistant City Solicitor James Sharp, Esquire

CALL TO ORDER

Mayor Shupe convened the Workshop Session of Council at 8:56 p.m.

Solid Waste Code-Yard Waste Additional Container & Bulk Pickup Fee-Postponed

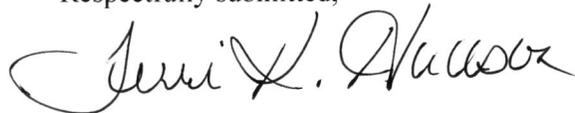
Mayor Shupe advised that the discussion on this matter has been postponed, due to the Solid Waste Department's request to gather additional information in order to provide more accurate numbers.

Travel Policy Review-Postponed

Mayor Shupe announced that this discussion is also being postponed due to the proposed policy being under review by city administration and staff.

With no further business, the Council Workshop concluded at 8:58 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder