

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 23, 2018

Milford City Council held Public Hearings on Monday, July 23, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Arthur Campbell

IN ATTENDANCE: Councilmembers Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Owen Brooks Jr., Douglas Morrow and Katrina Wilson

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers James Starling Sr.
Second Ward Council Seat Vacant

Mayor Shupe called the Public Hearing to order at 7:00 p.m.

Planning Director Rob Pierce was also present.

Adoption/Ordinance 2018-18

Becker Morgan Group on Behalf of Bayhealth Medical Center Inc. and Milford Memorial Hospital Inc.

Nationwide Healthcare Services/Milford Wellness Village

Tax Parcel 1-30-1.20-009.00 thru 013.00; 1-30-3.08-060.00

1-30-3.08-094.00 thru 096.00; 1-30-3.08-098.00 thru 102.00

1-30-3.08-104.00 thru 105.01; 1-30-3.08-106.00 thru 108.00

21.30 +/- Acres

Current Zone: H1, R1, I1, OB1/Proposed Zone: IM

Planning Director Pierce reviewed the application adding that it involves a number of parcels owned by Bayhealth Medical Center between Williams Street, Jefferson Avenue and Polk Avenue. It includes the current Milford Memorial Hospital site as well as a number of surrounding offices (previous residential homes). The request is to change the current H1, R1, I1, OB1 zoning to the IM (Institutional Medical District) in order to proceed with the acquisition of the properties for the adaptive reuse of the hospital facility.

The request is consistent and appropriate in relation to the adopted 2018 Comprehensive Plan/Future Land Use Maps. Any use of the property must comply with Chapter 230 and the IM (Institutional Medical District) zoning use and area regulations as adopted.

Mr. Pierce recalled the recent amendment to the IM zoning district that moved the residential component into the conditional use section. As a result, any future residential development of the site will be required to go through the conditional use process with final approval by City Council. Public hearings would occur before both the Planning Commission and City Council.

The public notice was published in the Milford Beacon on May 30th and all properties within 200 feet received notification.

Milford Planning Commission held a public hearing on June 19th at which time approval was recommended by unanimous vote.

There were no questions from City Council.

Shawn P. Tucker, Legal Counsel for Nationwide Healthcare, commended Mr. Pierce for the thorough job of the history and

zoning standards for the property. He noted for the record, that also in attendance were President Meir Gelley, Project Manager Rabbi Halberstam and Mr. Tucker's Assistant Jessica O'Connor.

Mr. Tucker reiterated the request is to change to the IM zoning, which is consistent with the City's Comprehensive Plan and Future Land Use map. The survey prepared, by their civil engineer, highlights both the existing structure and the area to the north, proposed for the rezoning, which this property qualifies for because it exceed the minimum of twenty acres.

He reported that approximately 182,000 square feet exists on the hospital site, which would be the initial areas focused on. Following that, there would be some expansion of the immediate area to the north.

Mr. Tucker also noted that the comprehensive plan is what the City's Planning Department and Planning Commission focused on throughout the review process. Nationwide's obligation is to create a record confirming consistency with that plan under both Milford law and the State of Delaware laws.

Again referenced was the land use map confirming the area is earmarked for employment, consistent with the IM designation.

He announced that Nationwide is proposing a nursing home use of which 60,000 to 70,000-square feet would be utilized for the nursing home use and about 175 jobs created throughout the three shifts.

Upon the rezoning of the property and settlement of the property, there are other uses they will explore. However, it is difficult to finalize those plans until the zoning and ownership are in place. All potential uses are consistent with the current I1 zoning.

He also shared that a pharmacy, primary care facility and a child daycare facility are proposed. In addition, an educational component is being considered with similar uses including teaching, culinary school, etc. There have been conversations with a variety of educational institutions in Delaware who may be interested as well.

The possibility of a public common meeting area was also discussed and for nonprofits, it may be offered for no fee. However, for-profit organizations would be assessed a fee. As a result, some common space is being created within the facility.

Mr. Tucker confirmed this is consistent with the level 1 growth area for policies and spending established by the State of Delaware and incorporated within the City's Comprehensive Plan.

He reiterated that Mr. Pierce had mentioned his department recommended the change of zone, in addition to the City's Planning Commission's recommendation for approval.

The adoption of Ordinance 2018-14 creates a conditional use for any residential use that his client may propose. The past two years there had been a number of concerns expressed about a potential residential component on the undeveloped area of this property to the north. He verified that homes and houses have been discussed.

They have formed a working group of community members to discuss what that may look like before anything is finalized. In addition, the City drafted an amendment, which is another approval layer that will require the conditional use process and additional hearings.

Mr. Tucker said he is pleased to inform Council that a working group of approximately one dozen neighbors have been formed and will be meeting the first week of August to discuss the land to the north, including landscaping, architecture, density, etc. before coming back with a more concrete plan.

He added that after closing, there is the possibility of an interest in the hospital property and other uses permitted, that there may not be a need or desire to do a residential component. But that option is reserved and Nationwide is prepared to work with the City and the neighbors in good faith regarding any potential residential plan.

Mayor Campbell opened the floor to public comment. No one responded and the floor was closed.

Councilwoman Peel moved to adopt Ordinance 2018-18, seconded by Councilwoman Wilson. Motion carried by the following unanimous 5-0 roll call vote:

Mergner-votes yes based on the information presented this evening and prior to the public hearing.

Boyle-votes yes to adopt the ordinance. This use fits well within the comprehensive plan.

Peel-votes yes and attests to the good faith efforts that have been made on behalf of Nationwide and feels this is a good fit for what is going to be established in that part of our community.

Brooks-votes yes...what it is going to be used for is needed.

Morrow-abstains because he is on the hospital board.

Wilson-votes yes based on the presentation in addition to the safety net that was added to help neighboring properties with any new residential projects that will now have to come back before the Planning Commission and City Council.

Ronald H. Sharp for a Final Minor Subdivision

305 Marshall Street

0.49+/- acres in an R2 Zoning District

Tax Map MD-16-183.08-01-04.00

Mr. Pierce reported the public notice was published in the Milford Beacon on May 30, 2018 and all properties within 200 feet of the parcel were mailed notices.

The property, located between Marshall Street and Fisher Avenue, is designated low density residential in the comprehensive plan and zoned R2 residential. The property currently contains one single-family detached dwelling and the proposed use will be a single family-detached unit on the one parcel and vacant land on the residual land.

The applicant proposes to subdivide the above reference parcel into two lots, one fronting Marshall Street that contains the existing single-family detached dwelling, detached garage and accessory shed, and the second being vacant and fronting Fisher Avenue.

The proposed minor subdivision required a variance from the Board of Adjustment for exceeding the maximum lot coverage requirement of 30%; the proposed lot containing the existing single family detached dwelling has a lot coverage of 42.9%. The application was reviewed and approved by the Board of Adjustment on June 14, 2018.

Other than the required variances, the proposed minor subdivision meets all requirements of Chapter 200 Subdivision of Land and Chapter 230 Zoning.

A location and zoning map were included, along with the survey exhibit, showing the proposed property line insertions.

The Planning Commission reviewed the application and recommended approval upon a unanimous vote on June 19, 2018.

Councilman Brooks said he rode there today and has no problems with it.

Applicant Ronnie Sharp, the property owner of 305 Marshall Street and adjacent lot in the 300 block of Fisher Avenue, reiterated what Mr. Pierce stating, adding that he simply wants to separate the two lots.

Solicitor Rutt asked Mr. Sharp if he would adopt Mr. Pierce's comments; Mr. Sharp stated yes he does.

Mayor Campbell opened the floor to public comment. No one responded. The floor was then closed to any further comment.

Councilman Brooks moved to approve the minor subdivision as presented, seconded by Councilman Morrow. Motion carried by the following unanimous 5-0 roll call vote:

Mergner-votes yes based on the recommendation of the Planning Commission.

Boyle-votes yes because it meets the requirements of the City Code Chapters 200 and 230 and the recommendation of the Planning Commission.

Peel-votes yes based on the recommendation of City Staff and the Planning Commission.

Brooks-votes yes based on the Planning Commission.

Morrow-votes yes because the Board of Adjustment approved it and it fits within the neighborhood.

Wilson-votes yes based on the recommendation made by the Planning Commission and the recommendation and presentation of the City Planner.

*Mispillion Realty LLC for a Final Major Subdivision to be known as Brookstone Trace
Property is located between Old Shawnee Road and South DuPont Boulevard, Milford, Delaware
23.348+/- acres in an R-3 Zoning District
Tax Map 1-30-3.00-80.02; 1-30-3.00-443.00 thru -561.00; 1-30-3.00-77.01; 1-30-3.00-78.00*

Mr. Pierce reported the comprehensive plan designation on the property is moderate density residential and is presently zoned R3 (garden apartment/townhouse district). This is an existing subdivision and the developer has elected to reconfigure some of the vacant lots as part of the planned unit development.

The applicant received preliminary major subdivision approval from the Planning Commission on February 20, 2018 and Preliminary Major Subdivision and PUD conditional use approval from City Council on March 26, 2018. The revised subdivision plan would include 128 townhouse lots, and two 5,600 square foot apartment buildings containing 24 units, for a total of 152 residential units.

Based on the preliminary approval, the applicant has obtained a no objection response from DeDOT in March, sediment/stormwater approval from the Sussex Conservation District in March and engineering approval from the City engineer in May. All obligations have been met as a result.

A location and zoning map, along with the final record plans showing the layout of the subdivision, were included in the packet.

The number of townhouses, located throughout the community, are being increased by nine. The main purpose was to reduce the size of the townhouse lots from 24 feet to 20 feet wide to allow a proposed builder to come in and begin construction.

The Planning Commission recommended approval at the June 19, 2018 meeting by unanimous vote, in addition to approving the final site plan for the multi-family area which was contingent upon Council approval.

Applicant Jamie Masten of Mispillion Realty addressed Council saying that he agrees with the comments made by City Planner Pierce.

Councilman Boyle asked if Pebblebrook Drive will be connected to Route 113; Mr. Masten said it currently exists as a shared entrance with the Heritage.

Mayor Campbell opened the floor to public comment; no one responded. Mayor Campbell then closed the floor.

Councilman Brooks moved to approve the application, seconded by Councilwoman Wilson. Motion carried by the following unanimous 6-0 roll call vote:

Mergner-votes yes to approve the recommendation considering the unanimous decision to recommend by the Planning Commission and the approval of the various State agencies.

Boyle-votes yes based on the review and recommendation of the Planning Commission.

Peel-votes yes based on the comprehensive packet.

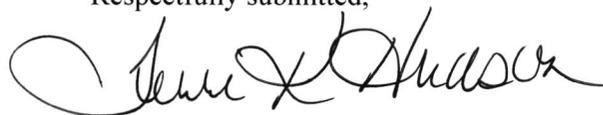
Brooks-votes yes based on the Planning Commission.

Morrow-votes yes as recommended by the Planning Commission and City Staff.

Wilson-votes yes based on recommendations of the Planning Commission and City Planner.

There being no further business, Mayor Campbell adjourned the Public Hearing at 7:40 p.m.

Respectfully submitted,

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

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 23, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, July 23, 2018.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel,
Owen Brooks Jr., Douglas Morrow and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilman James Starling Sr.
Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:40 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Milford Police Department

Chief Brown introduced MPD Officer Patrick Karpin, the newest member to the force. Officer Karpin recently graduated from the New Castle County Police Academy. He is presently a member of the Army National Guard and was hired in December 2017. He is continuing his field training under the supervision of another officer.

Chief Brown then presented Pfc Cory Swan with the Officer of the (Second) Quarter Award for his outstanding overall assistance. He was also the Officer of the Third Quarter in 2017.

COMMUNICATION & CORRESPONDENCE

City Manager Norenberg reported that the Milford branding was added to the new overpass being constructed at State Route 14 and Route 1. He noted it is one of the most unique features that can be found on bridges in Delaware and attributes the credit to Former Mayor Bryan Shupe and City Planner Rob Pierce who worked with DelDOT to get it approved.

UNFINISHED BUSINESS

Approval/Agreement/Friends of Milford Museum Inc.

City Manager Norenberg recalled the approval by Council following the budget hearings of the increased contribution to \$30,000. In addition, the State of Delaware is charging a \$500 annual lease fee for the use of the building beginning this year.

The final item added reflects the snow removal and grass cutting services provided by the City. Councilman Brooks wanted assurance that City employees are continuing to handle those duties.

Councilwoman Wilson moved to approve the Milford Museum Agreement, with the snow removal and grass cutting services added, seconded by Councilman Morrow. Motion carried with no one opposed.

NEW BUSINESS

Appointment/Reappointment of Planning Commissioners

Councilmember Peel moved to reappoint Marvin Sharp and Andrew Fulton as City of Milford Planning Commissioners effective August 31, 2018, seconded by Councilmember Mergner. Motion carried.

Appointment/Reappointment/Board of Adjustment Members

Councilmember Wilson moved to reappoint Chad Carter to the Board of Adjustment effective August 31, 2018, seconded by Councilmember Mergner. Motion carried.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below statute, seconded by Councilmember Peel:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:52 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:19 p.m.

MPD Teamsters Negotiations

Mayor Campbell announced that no action was required.

Personnel Change

Councilmember Peel moved to reallocate funds and transfer \$5,500 from both water and sewer (each) and \$13,000 from electric for the purpose as was discussed in Executive Session, seconded by Councilmember Boyle. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 8:20 p.m.

Respectfully submitted,


Terri K. Hudson, MMC
City Clerk/Recorder