

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 14, 2009

On Monday, December 14, 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 Steve Johnson, Michael Spillane, John Workman, Jason Adkins, 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

Mayor Marabello declared the Public Comment Session open at 7:23 p.m.

William Christy of 24 Valley Forge Drive, Shawnee Acres spoke on behalf of the Shawnee Acres residents. He discussed the flooding problem affecting eighteen properties on Lexington Drive and two properties on Valley Forge Drive. He said flooding did not occur prior to the retention ponds being constructed in Hearthstone that flow into the ditch along Elks Lodge Road and under Lexington Drive into a protected creek. There is increased concern about what will occur as Hearthstone II is developed.

He asked the city give consideration to this situation when making further decisions about the proposed development.

Mayor Marabello said he will discuss it with the city manager who will have someone get back with Mr. Christy.

Mayor Marabello said that Councilman Spillane was signed up to speak during the public comment session and unless anyone had an objection, he would allow it.

Councilman Spillane stated he agreed with Mr. Christy on the flooding problem between Hearthstone and Shawnee Acres. He said there are additional flooding problems in the front area as well as at the house adjacent to Hearthstone.

Councilman Spillane said that the grading at Hearthstone was not done properly which has also caused flooding to an increasing number of homes. He added there is still a topsoil problem.

He spoke about the signs stating that some people refer to them as two signs and other say there are four. He said the state maintains 600 feet on each side of Route 1 and the signs should be under their control. He asked the city write to the state to have the permit revoked which he feels was illegally issued.

The mayor will also follow up with the city manager on these matters and get back in touch with Councilman Spillane.

With no other persons signed up, Mayor Marabello declared the Public Comment Session closed at 7:31 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

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The Regular Monthly 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, December 14, 2009.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, 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

CALL TO ORDER

Mayor Marabello called the Monthly Meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Motion made by Mr. Morrow, seconded by Mr. Starling to approve the minutes of the November 9, November 23 and December 1, 2009 council and committee meetings as presented. Motion carried.

RECOGNITION

None.

POLICE REPORT

Police Committee Chair Morrow moved for acceptance of the monthly police report submitted by Chief Hudson, seconded by Ms. Wilson. Motion carried.

Chairman Morrow noted the increase in activity over the past year and expressed his appreciation for the job the department does. Mr. Brooks agreed that this year, the numbers have dramatically increased and the officers are becoming increasingly busy.

Mr. Workman then commended the officers who worked the Holiday Stroll noting they were very visible throughout the event.

In response to Mr. Spillane, Chief Hudson said he will check into whether or not the new software program can determine where criminal activity is increasing in specific areas of town.

CITY MANAGER REPORT

City Manager Baird then read the following report into record:

City Hall (Administration Goal)

City Hall is now fully staffed. Offices located at City Hall include City Manager, City Clerk, Planning & Zoning, Code Enforcement, Building Inspection, Assessment and IT. A cashier's station is available on the Lower Level and is currently

able to accept Planning and Zoning, Building Permit and License Fees. The main telephone number to reach City Hall is 424-3712. Public Works and Billing will continue to utilize the 422-6616 number.

Online Payment Upgrades (IT Goal)

In January, the IT Department will be launching our new online payment service GovNOW. The GovNOW service will offer all of the same services currently offered, but will expand the information made available online to customers and allow for tax payments to be made directly to the City, instead of through a third party. GovNOW also allows the City to expand online services to other forms of payments such as building permits, business licenses and parks and recreation registration fees to name a few. The IT staff will continue to develop those functions and add them to GovNOW once they become available.

North Front Street Sewer Project and FY2010 Bond Issue (Engineering & Finance Goals)

We have received final approval from DNREC to move forward on the North Front Street Sewer Project that was conditionally awarded by City Council on Nov. 9. The closing on the loan from the Clean Water State Revolving Loan Fund is tentatively scheduled to take place on Dec. 21, 2009. The contractor has indicated they are prepared to move forward at anytime and weather permitting, we anticipate the project starting in mid-January and continuing through July. There will be periodic traffic disruptions on North Front Street during the construction.

This will also have a positive impact on the inflow and infiltration entering the sewer system with a savings of \$600,000 to \$700,000 per year.

Hall Annexation

This item was discussed at your last Council meeting and it was commented the application would be ready for consideration at tonight's meeting. This is not able to take place as the City has not received comments on the plan of services from the Office of State Planning as required by State law. As soon as the comments are received, the item will be placed on your agenda for final consideration.

Economic Incentives

I am working with the Chamber of Commerce and Downtown Milford, Inc. regarding the development of incentives to initiate economic activity within the City. Potential incentives include tax abatements, reduction in utility connection/impact fees, streamlined approval process to name a few. While these ideas are genuine, it is important to gain feedback from the business community prior to proposing such ordinances to City Council. I anticipate the preliminary work to be completed and recommendations made to City Council at its January 25 workshop.

Delaware Solid Waste Authority

DSWA will not offer the same contract and I will be negotiating a new contract before its expiration date on July 31, 2010. They have suggested substantial increases and could be from 25 to 60%. A number of municipalities are joining together to contract jointly with DSWA to have a better position to negotiate. Cities such as Newark, Dover and Milford will be involved in those conversations. A meeting with the DSWA Director has been scheduled on January 6, 2010 in hopes to control the costs as best as possible.

Mr. Baird stated that at city hall, we are moving forward in an effort to collect all fees once we are staffed to a point that we can accept all payments including utility and tax payments.

Mr. Adkins moved to accept the City Manager report, seconded by Mr. Morrow. Motion carried.

Mr. Workman advised that he tried calling city hall approximately ten times today. Each time, it went directly to the automated system. He feels it takes much too long before you are able to reach a live person.

Mr. Baird explained the phones are set to ring a number of times before going to the automated system. He has heard the same concerns and some additional options are currently being considered. Ms. Wilson said she had the same comment.

Ms. Wilson also recalled that when the city began to talk about recycling, she did not want the service made mandatory because of potential future costs. She felt that any increase in costs would have a negative impact on our customers particularly those who were reluctant. She asked that whatever can be done to keep those costs down should be considered. Mr. Baird explained that recycling is still voluntary for our customers.

The city manager then reported the City of New Castle recently renewed their DSWA contract though DSWA no longer wants to be the primary collector of recycling. However, they are willing to continue the service and will participate in the bidding process. However, they cannot continue to be successful at their current cost of \$1 per collection. The fee in New Castle went from \$1 per collection to \$1.59 which is a substantial increase when considering Milford has 2,000 customers. He said that in addition, the rates may increase on the garbage side with tipping fees.

Mr. Brooks then asked the status of budget billing. Mr. Baird advised we are in the process of setting that up. When DEMEC comes out with its new rate structure, our goal would be to coincide with that new rate during the May billing cycle. Mr. Brooks asked if that means it would start in May; Mr. Baird confirmed it is correct.

Mr. Starling asked if no one is answering the phones at city hall; Mr. Baird explained that Ms. Wilson is answering the phones though she is the only one taking calls and is not always at the phone due to some of the other responsibilities she has. In that case, the automated system picks up after three or four rings.

It was confirmed that Ms. Wilson takes all calls coming in on both lines. When asked her location, Mr. Baird explained that currently she is downstairs helping out with some of the payment options. However, she is being moved upstairs based on the limited volume of customers at city hall.

Mr. Morrow asked how many lines are coming into city hall; Mr. Baird stated there are six or seven lines into this building. However, each line rolls over if the number being called is busy.

COMMITTEE REPORT

Finance Committee Report/Acceptance of FY2008-2009 City of Milford Audit

Finance Chair Morrow presented the recent audit as reported in the transmittal letter and report completed by the Certified Accounting Firm of Heffler, Radetich and Saitta, LLP.

It stated that tests of compliance were performed and the results disclosed no instances of noncompliance or other matters required to be reported under Government Auditing Standards.

Mr. Morrow added the successful audit is another tribute to Finance Director Jeff Portmann and his staff and commended them for the job they do.

Mr. Adkins said that last year, net assets increased \$6.5 million and this year increased by \$3.1 million. He asked if that will continue; Mr. Baird explained that is attributed to the accumulated reserves we have now which will be offset by the bond issue. The rates were set earlier in anticipation of the new debt on the water, sewer and electric funds. Those funds are rolled into the reserves and will be used to offset the debt which is the main increase in the cash assets.

Mr. Morrow moved to accept the audit, seconded by Mr. Workman. Motion carried.

Charter Review Committee Update

Referring to the clean-copy of the proposed charter and the mark up copy, Mr. Spillane asked that council take a close look at the old charter noting there are still some unresolved issues. He asked that council familiarize themselves with the changes so it can be thoroughly analyzed at an upcoming workshop. He asked the city solicitor and city clerk to schedule a special meeting for the review.

Mr. Willard explained the italics on the marked up copy is new language that has been added. Any strikeouts are language that has been removed. The underlined areas are sections that have been moved to other areas. He added the charter is also being reorganized so it is more logical.

He agreed with Mr. Spillane that any unresolved items (shown in brackets) will need a decision by city council. He encouraged council to read the document and come prepared with comments at that special meeting.

Mr. Workman was under the impression the document would show the changes in bold letters and strikeouts similar to other ordinance amendments. He feels the document is confusing and prefers it be presented in a more simple manner and without the added conversations.

Mr. Willard explained that any knockout is language being removed and anything new is in italics. He suggests council not be concerned with the underlined language as that has only been relocated to other areas of the charter.

It was confirmed a summary of the changes is being prepared by the solicitor.

The solicitor also feels our charter is somewhat weak on enumerated powers and obtained copies from Millsboro, Newark and Lewes for consideration.

Mr. Brooks advised the committee met for two hours sixteen different times. He expects it may take several nights before final approval is given by city council. He agrees council should be prepared to make a decision.

Christmas Meal

Mr. Starling advised that on Christmas Day from noon to 4:00 p.m., St. Paul's United Methodist Church will serve meals to the needy. He said it has grown substantially and last year served between 100 and 250 dinners. Donations are still needed if anyone wishes to contribute.

Annexation Committee Meeting

Chairwoman Wilson scheduled an annexation committee meeting on Tuesday, December 22nd at 6:30 p.m. to review the Beverly Thawley petition.

HOA Committee

Chairman Workman reported the HOA Committee had a very productive meeting on November 24th. The next meeting will be held January 12th.

Holiday Stroll

Mayor Marabello reported the annual Holiday Stroll was very well attended again this year adding the street closing worked out extremely well.

He then advised that three new businesses have recently opened downtown—Mispillion Art League, EcoChic Earth Friendly Boutique and Abbotts Grill who are all doing very well.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Greater Dover Committee/Kent County Sports Facility/Contribution/Feasibility Study

Bill Strickland of the Greater Dover Committee introduced Linda Parkowski, Director of Tourism, Cindy Small, Director of Kent County Tourism and Shelly Cecchett, Executive Director of the Greater Dover Committee.

Mr. Strickland explained the Greater Dover Committee is a nonprofit organization created in the late 1980's by civic-minded business executives to identify emerging community issues and take on projects they feel will improve the quality of life for residents. Today, the organization consists of 56 members in the greater Dover area. Mr. Strickland heads the Economic Development Committee who has found a project in the proposed Kent County Sports Complex that could generate significant tourism dollars in the area.

Ms. Parkowski then spoke, stating this project started out as an idea. She took over her job a little more than a year ago and coming across her desk were proposals for sporting events and tournaments in Delaware. The majority were for rectangular fields for lacrosse, soccer, field hockey, etc. She visited several sports complexes in Delaware, but none met their requirements. At one of Kent County's Tourism meetings, they talked to Kent County Administrator Mike Petit de Mange who came up with two parcels, one being in Frederica which was the one selected. Kent County offered the land for a \$1 a year lease.

Ms. Parkowski and Ms. Small then provided council with a power point presentation (see attached).

Ms. Parkowski reported that a sports facility meets the wants and needs of the majority of youth in the Kent County area, can serve as an economic generator by attracting visitors to Kent County, is somewhat recession proof, is healthy and receives parental support and enhances overall quality of life for everyone in Kent County.

They are planning fifteen multipurpose fields for soccer, lacrosse, field hockey and football, a lighted, turf stadium seating for up to 1,000, concession stand, pro shop, locker rooms, meeting rooms and restrooms. The draw of players and spectators using the facility will be a boost to the hotel and restaurant business.

Ms. Small agreed that even during a bad economy, when people will conserve their money, they will still spend money on their children.

Ms. Parkowski noted there is an estimated \$3.3 billion to \$4 billion in direct spending at amateur sports events in the United States which is ten times more than the estimated economic impact of the 2005 Super Bowl.

Ms. Parkowski explained that at least fourteen fields in one location are required to host a tournament, a minimum number of hotels in close proximity are needed and a variety of restaurants and shops. It must also be a central geographic location.

Ms. Small recalled that in 2007, the Tournament of Bands was held at Delaware State University. More than 120 high school bands participated bringing 10,000 participants and 7,000 spectators to the area. They filled many hotels in Kent County and some in Sussex County. The economic impact in Kent County that weekend was \$4 million.

The following is projections of the economic impact of various tournaments who have contacted Ms. Parkowski:

US Lacrosse 2009 U-15 National Championships:
64 Teams - July 2009 - 3000 attendees - 5 days
Estimated economic impact = \$ 2.7 million
Needed 15 Lacrosse fields

Amateur Youth Football Regional Tournament November 2009
36 Teams - November 2009 - 3 days
Estimated economic impact = \$ 1.8 million
Needed 6 Football Fields

Tournament of Bands

November every year needs a Football stadium
Economic impact \$ 4 million
Total Economic Loss = \$ 8.5M in 12 weeks
Example of Economic Impact to Kent County

Ms. Small said that until about five years ago, we had approximately 1,700 hotel rooms in Kent County. Over the past three to four years, that number grew to 2,900 noting including those that have been approved or have not yet opened. With these activities, those room will be filled.

Milford has three hotels either built, or are being built, in addition to those in Harrington and the surrounding towns.

The proposed site is located on Route 1 adjacent to the Kent County Wastewater Treatment Facility known as West Farm near Frederica. An RFP will be going out in the next couple of weeks to determine exactly where the fields and access should be placed, who should operate and the revenues expected.

They are proposing a public/private partnership. The public partnership has been the land bank from Kent County, DELDOT infrastructure and bonds and/or taxes. A sports club or nonprofit entity would end up running it to generate revenue and secure the capital needed.

Ms. Small announced that Delaware just formed a Sports Commission comprised of 23 members from across the state. Its job will be to create an economic impact for Delaware through sports marketing by bringing tournaments of the regional and national level to Delaware to help the business community. They want Kent County included when these events are brought to Delaware.

Some of the stakeholders/partners are Kent County Levy Court, State Tourism Office, Kent County Tourism, Greater Dover Committee, Local Sports Organizations (Central Delaware Soccer Association, Delaware Lacrosse Foundation) and members of the local community. The University of Delaware has also assisted.

They are hoping the feasibility study will provide a site evaluation and direct them into who should operate the facility. They believe it will require them to form a 501(C)(3) to be eligible for national grants that could assist in building the fields.

Mr. Strickland feels the positive impact will be felt by the Greater Milford businesses particularly restaurants and hotels. He then asked council to consider a contribution in the amount of \$10,000 to be used for the funding of the feasibility study.

Mr. Baird asked for the time line of the feasibility study and estimated costs; Ms. Parkowski estimates the cost to be between \$70,000 and \$100,000 and hopes the RFP will go out by the first of the year with a 60-day response time.

She confirmed the feasibility study will determine how the site should be configured, the traffic counts, impacts, economic impact, both direct and indirect, who should operate it, the best use of the facility and what type of events should be solicited and taxes and impacts to the community.

Mr. Strickland added that if the study comes back as is expected and all the necessary pieces are put together, they are looking at a two-year time frame.

They concluded by thanking council for their time.

The mayor said this will be discussed and reported back to council.

FY2009-10 Budget Amendment/Legal Fees

Mr. Baird submitted the following budget amendment:

I am recommending the following budget amendments to cover legal fees in both the City Council and Administration Budgets. The budget amendment is necessary to cover higher than anticipated legal fees due to activity associated with the Charter Revisions, City Council meetings, HOA meetings, Hearthstone II, Sign Case and West Shores easement.

Amendment No. 1

Transfer \$10,000 from General Fund-Fund Balance Account 101-0000-399-10-00 to Admin-Legal Service Acct No. 101-1010-413-30-20. This will increase the budget line from \$15,000 to \$25,000

Amendment No. 2

Transfer \$10,000 from General Fund-Fund Balance Account 101-0000-399-10-00 to Council-Legal Service Acct No. 101-1110-411-30-20. This will increase the budget line from \$10,000 to 20,000.

Mr. Workman recalled being provided a better breakdown of where this money has been spent.

Mr. Baird then gave the following breakdown (expenses from July-September 2009):

Council Expenses-

Charter	\$4,573
Council Meeting	\$4,200
HOA Committee	\$560
Council Requests	\$788
Year to Date	\$10,208

Administrative Expenses-

Hearthstone II	\$5,101
Key Properties Sign Case	\$3,200
West Shores	\$1,242
Watergate	\$306
Miscellaneous	\$2,226
Year to Date	\$12,074

Mr. Baird explained these fees apply to our city solicitor fees and associated costs. In relation to the Hearthstone legal case, Mr. Willard explained that the litigation costs are covered by our insurance though there is a deductible the city must pay.

The bills he provides are itemized and shows the exact time spent on each item. He said it is attorney-client privileged though council can disclose it because they hold the privilege.

When asked what work was done on the HOA, Mr. Willard recalls doing research on the new law though he will need to review his bills to give a more concise answer.

City Manager Baird said the two largest bills involve the charter committee and council meetings.

Mr. Willard recalls that in September or October, there was a briefing on the easement case, which involved a great deal of research and writing.

Mr. Spillane asked for a total cost for the Hearthstone sign case. Mr. Baird explained the figures being presented this evening are only since July.

When asked if this transfer will cover all legal fees through the end of June, Mr. Baird said he hopes though there are still some issues out there particularly in November and December.

Mr. Adkins asked if the \$25,000 deductible is included in this transfer; Mr. Baird said that is not included.

Mr. Morrow moved for approval of the transfers as presented, seconded by Mr. Brooks.

Mr. Workman prefers more clarification on the costs. Mr. Baird agreed to provide a summary sheet and allow council access to those invoices for their review.

Mr. Willard said the bills are very detailed and should answer any questions.

Mr. Adkins feels that council should take note of the legal costs and that many are a result of council actions and requests which is ultimately being paid by the taxpayers. He is bothered by it and though it may not be anyone's fault, it is still frustrating.

Mr. Brooks recalled the number of charter meetings Mr. Willard has attended, in addition to the amount of work and research that was needed on his own time.

Mr. Spillane agrees more breakdown is needed though the information needs to be made available to the public. Mr. Baird reiterated that would need to be an action of council because the invoices are client-privileged.

Mr. Morrow suggests that anyone who wishes to review the invoices go through the city manager. He agrees with Mr. Adkins that we be more conscious of the requests made by council.

Mr. Spillane clarified that he is suggesting the bills be printed out so council is aware of the money being spent.

Ms. Wilson agreed that council should be able to see the breakdown and prefers having the information beforehand so that council is aware before a decision is made. She also feels that providing more information to council in advance helps keep the comments to a minimum.

She said that with no disrespect to Mr. Willard, Ms. Wilson also recalls council making many decisions without an attorney present. She agrees it is beneficial to have him present so that he can intervene when needed. She also feels that council has created a lot of the extra expenses because of their continuous requests and needs.

Motion carried by unanimous roll call vote.

Mr. Workman votes yes but wants assurance the information will be provided in the future as council has discussed and requested.

MONTHLY FINANCE REPORT

Mr. Morrow reported that through the fourth month of Fiscal Year 2009-2010 with 33% of the fiscal year having passed, 40.12% of revenues have been received and 30.15% of the operating budget expended.

He noted that interest earned to date is \$83,283.

Mr. Morrow moved for acceptance of the October 2009 finance report, seconded by Ms. Wilson. Motion carried.

When questioned about any additional cutbacks, Mr. Baird said he meets with Finance Director Portmann on a regular basis to track the revenues and expenses while comparing to last year. However, because there were a number of drastic cuts in this year's budget, it would be very difficult to cut more. He feels that because we are a government entity, we normally lag behind six months to a year, compared to the private sector. Therefore, it took a little longer for the harder times to hit us and once the private sector starts to pull out of the downfall, we will lag behind another six months to a year. As things improve, he expects us to be the last ones to come out of it. Our utility revenues are somewhat behind last year, though it is attributed to less consumption and productivity. However, the budget is where it should be though it continues to be monitored closely.

ADJOURN

Ms. Wilson moved to adjourn, seconded by Mr. Adkins. Motion carried.

Mayor Marabello adjourned the Monthly meeting at 8:56 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder

Attachment



Kent County Sports Facility: *Making a Dream a Reality*

Linda Parkowski
Delaware Tourism Office

Cindy Small
Kent County CVB



Questions?

- What can meet the wants and needs of the majority of youth in Kent County area?
- What can serve as an economic generator by attracting visitors to Kent County?
- What is somewhat recession proof?
- What is healthy and receives parental support?
- What can enhances overall quality of life for everyone in Kent County?



ANSWER

Sport
&
A Sport Facility



IMAGINE

- 15 multipurpose fields hosting soccer, lacrosse, field hockey and football
- A lighted, turf stadium seating for up to 1,000,
- A concession stand and pro shop
- Locker rooms, meeting rooms and restrooms.
- Thousands of children and adults from Kent County using the facility
- Thousands of outside visitors drawn to Kent County because of the facility and tournaments



IMAGINE



United Sports Training Center Downingtwn, PA



Benefits of Kent County Facility

- Economic Impact
- Increased Visitors to Kent County
- Improved Quality of Living in Kent County
- Recreational Outlet
- Increased Property Values
- Increased Taxes for the County
- Increased County and State Visibility
- Effective Use of County-Owned Land