

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
June 9, 2008

The Regular Monthly Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, June 9, 2008.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Monthly Meeting to order at 8:16 p.m.

#### INVOCATION

Following the Pledge of Allegiance, Councilman Starling gave the invocation.

#### APPROVAL OF MINUTES

Mr. Workman moved for approval of the May 12, 2008 and May 27, 2008 minutes as submitted with Mr. Crouch seconding.

When called for questions, Mr. Spillane referred to the minutes regarding the pole work behind Hearthstone. His impression was there was no service coming off the poles to serve Hearthstone though the minutes reflect there is some power being provided. His concern is the city should not be paying for something that is the responsible of the owner or developer.

Mr. Baird explained the work is part of the 5<sup>th</sup> circuit extension and improvements and is not benefitting any new development. It is system wide throughout the circuit and is not providing primary services but could be tied into the connecting service. Most of Hearthstone is served directly at the substation with underground service.

Motion carried with no one opposed.

#### RECOGNITION

None.

#### MONTHLY POLICE REPORT

Mr. Morrow moved for approval of the monthly police report submitted by Chief Hudson. Mr. Morrow commended Chief Hudson and his officers for the manner in which they handled the bomb incident on May 28<sup>th</sup> and in particular the neighboring residents. Mr. Brooks seconded motion.

Mr. Brooks noted that 32 felony charges were made in May of 2007 compared to 164 were made in May of 2008.

Chief Hudson explained the large number this past month is the reflection of two major cases in which an unusually high number of multiple felony charges were placed against two different defendants.

Mr. Workman asked if the complaints can be broken down in different categories and asked if these were police complaints or dog barking type complaints Chief Hudson explained the complaints are a combination of police reported, victim reported, nuisance type complaints and public assists. The numbers also include city related complaints when

phone calls are forwarded to the police department after city hall closes.

He explained that at this time, the complaints would have to be sorted manually. The department is in the process of obtaining a new software program which will provide this type of information and can be generated into various reports.

He believes the increase in traffic arrests is a result of increased summer traffic.

Chief Hudson reported the department is currently testing for two police vacancies, though the department will be down four officers as a result of two officers being out on family medical leave.

#### CITY MANAGER REPORT

The following report was submitted by City Manager Carmean:

##### *ADMINISTRATION*

*City Hall is progressing at the scheduled pace and we may possibly hold our June Workshop in the new chambers. I believe everyone will be extremely pleased with the results. We will enjoy many years of use from the location which will again become a center of activity for our downtown area.*

##### *SEWER AND WATER*

*The new pump station has been installed and is in service at the Cascades subdivision on Airport Road. This is giving us much needed capacity for service to the Veterans Home and the Hospice facility. We have prepared our Request for Proposals to bid the engineering for our Inflow and Infiltration study. This is important to help locate areas where our pipe transmission and collection systems are allowing ground water or rain water to enter. We are spending considerable monies on the treatment of this water and will save our customers real dollars when we locate and correct the problems. We will never be able to find and repair all areas, but can certainly make improvements that will have a positive impact.*

##### *STREETS AND SOLID WASTE*

*DELDOT has begun work on Route 36 within our corporate limits. Street crews are assisting with some of the repairs; further assistance will be provided while repairs and upgrades are made on the railroad crossing on Lakeview Avenue. That work is scheduled between June 16th and June 20<sup>th</sup>. With the assistance of DELDOT crews, we will repair a washout that occurred in the vicinity of the Georgia House on Main Street.*

##### *ELECTRIC*

*Our crews are continuing work on the 5th circuit out of our substation by placing overhead wire above our right-of-way at the rear of Shawnee Acres. This was considered one of the more difficult construction tasks in the building of the circuit. Crews also did an outstanding job during recent thunder and lightning storms to get service back to our customers after several serious lightning strikes on our system.*

Mr. Workman asked how long the railroad track repairs will take that will begin June 16<sup>th</sup>. Mr. Carmean said the work will be completed by June 19<sup>th</sup>.

Ms. Wilson moved to accept the city manager's report, seconded by Mr. Crouch. Motion carried.

#### COMMITTEE REPORTS

##### *Mayor Joseph Ronnie Rogers Banquet*

Mr. Workman advised that tickets are still being sold for Mayor Roger's Banquet on July 9<sup>th</sup>. Tickets are \$30 and are available at city hall and the chamber of commerce. Anyone with a suggestion of where a poster can be placed should

contact him.

## COMMUNICATIONS

The mayor announced the Board of Adjustment will hold Public Hearings on Thursday, June 12, 2008 at 10:00 a.m. in regard to some signage issues.

A parade permit was issued for the Milford Community Parade on Wednesday, October 22, 2008 from 6:30 p.m. to 9:00 p.m. When asked why it was longer than two hours, Chief Hudson explained that the Parade Committee requested an additional half hour and it was mutually agreed it would begin at 6:30 p.m. and still conclude by 9:00 p.m.

Family Outreach Multipurpose Community Center, Incorporated will sponsor a Take it to the Street Community Event on July 18-19, 2008 at Banneker School.

## UNFINISHED BUSINESS

### *Change of Street Name/Games Drive*

Jason and Pamela James submitted a request that their street name be changed from Games Drive to James Drive. Presently, they have the only existing residence on the street. A letter of no objection from Ronald Bowhall of Interstate Builders was included. Interstate Builders owns four undeveloped parcels on the street.

Mayor Marabello asked if this will cost the city any funds. Mr. Carmean spoke with Mr. James sometime ago and advised him that any new street signs would be at their expense.

It was confirmed that Kent County had been contacted.

Mr. Crouch moved for approval that the street name be changed to James Drive with the stipulation that any costs associated with the change be borne by Mr. and Mrs. James, seconded by Mr. Workman. Motion carried.

### *Planning Commission/Liaison & Commissioner Terms*

This matter was deferred from the May 12, 2008 meeting. Mr. Carmean explained that assignments and recommendations for terms for the planning commissioners had been previously planned for May. Mr. Carmean advised that commissioners appointed through the month of May were Paul Hayes and Karen McColley.

Mr. Workman said the discussion involved the term of office which needs to be consistent with our charter and ordinance. Council wants to make sure the planning commission follows the regulations which he thought was being accomplished this evening.

Mr. Spillane agreed the code and ordinance conflict with one another in regard to term of office and the charter needs to be revised.

Mayor Marabello asked the matter to be tabled.

Mr. Workman asked for assurance it would be addressed by next month noting that it was deferred to this meeting for some type of action.

Mr. Willard agreed that the terms of the current commissioners need to be addressed and either two, three and four year terms be assigned so there is a schedule on record. He agrees there appears to be a contradiction between the code and charter.

Mr. Brooks pointed out that we have the commissioners' appointment dates, but does not recall any reappointments made by Mayor Rogers. Mr. Willard agreed there has never been a formal recognition of their terms and they have simply rolled

over.

Mr. Willard suggested that he, Mr. Baird and Planning Commission Chairman Warfel meet to review the appointments and the ordinance and charter in order to make some recommendations. Assistant City Manager Baird agrees it must be determined whether to follow the language in the charter or the ordinance. Mr. Willard advised the charter must be followed because it trumps any ordinances.

Ms. Wilson said it is important that when their terms expires, council either reappoint or appoint a new commissioner at that time. Mr. Crouch agreed and asked that some criteria be considered such as attendance.

Mayor Marabello then appointed Mr. Willard, Mr. Warfel, Mr. Baird and Mr. Spillane to a subcommittee to review the matter and make a recommendation to council at the June 23<sup>rd</sup> workshop.

Mr. Workman asked the recommendation be presented at the June 23<sup>rd</sup> workshop so it can be voted on at the July monthly meeting.

#### *Out of School Christian Block Party/Windows of Heaven Ministries*

A letter from C. L. Harris was resubmitted regarding a block party on June 21<sup>st</sup>. After discussing the matter with the pastor's wife, Chief Hudson advised the location was changed from Northeast Front Street to 125 N.W. Second Street. Mrs. Harris reported that she contacted all neighbors on the street and no one had any objection.

Ms. Wilson moved for approval of the Windows of Heaven Ministries Block Party on June 21<sup>st</sup> at 125 N.W. Second Street, seconded by Mr. Starling. Motion carried.

It was confirmed there is no ordinance requiring a permit for a block party. Chief Hudson advised the only requirement is that the applicant receive permission from anyone in the area who would be affected.

#### *Authorization/Purchase of Property & Funding/South Washington Street Property*

Mr. Carmean explained this land would be used as a possible expansion site for city hall. The property was appraised at \$117,000 but purchased for \$90,000.

Ms. Wilson moved for approval of the purchase of 209 South Washington Street in the amount of \$90,000 to be paid from the General Fund Capital Reserve Account 101-1110-413-95-10, to be reimbursed after Milford School District purchases the city lands adjacent to the high school, seconded by Mr. Crouch. Motion carried with no one opposed.

#### *Funding Authorization-Milford Public Library, Boys & Girls Club, City Hall Change Orders*

Mr. Carmean advised our finance director is recommending the following funds be paid from the general fund balance account as has been previously discussed by council:

City Hall Renovations \$1,500,000

Architect City Hall \$15,000

IT Costs to Move Equipment \$15,000

Business Park Sign \$7,500

Boys and Girls Club \$447,600 Paid Over Five Years-Year One \$26,000/Year Two to Four \$105,400

Change Orders for City Hall \$250,000 Estimate-Brings Project to \$1,750,000

Milford Library Donation \$300,000 (\$75,000 Per Year for Four Years)

Green Acres Reserve \$55,000 (\$100,000 Per Year-\$45,000 This Year to be paid from Sale of Property to Milford School District)

Mr. Ambrose moved for approval of the funding of the above items and authorization to include in the upcoming budgets, to be paid from the General Fund Balance Account, seconded by Ms. Wilson. Motion carried.

#### NEW BUSINESS

##### *Adoption of Resolution/Scheduling Board of Revision & Appeal/General Assessment*

Mayor Marabello read the following resolution into record:

WHEREAS, the provisions of Article X, Section 10.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 14th day of July 2008 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2008-2009 General Assessment.

Mayor Daniel Marabello

The deadline for filing an appeal is Friday, July 3, 2008 at noon.

Ms. Wilson moved for adoption of the resolution, seconded by Mr. Starling. Motion carried.

##### *Adoption of Resolution/McColley Annexation Request*

The city manager advised we have received a request for annexation from Lynn and Karen McColley. This is the first step to start the process. The annexation committee will schedule a meeting at which time the petition will be reviewed.

Lynn McColley was present and advised this property is in the area where NKS was just annexed west of Route 1.

Mr. Workman moved for adoption of the following resolution, seconded by Mr. Brooks:

Annexation/Land of Lynn A. And Karen K. McColley

Tax Map MD-00-174.00-02-51.00-000 (10 +/-Acres) Requested Zoning: C-3

Tax Map MD-00-174.00-02-53.00-000 (1 +/- Acre) Requested Zoning C-3

Tax Map MD-00-174.00-02-49.01-000 (1 +/-Acre) Requested Zoning R-2

Tax Map MD-00-174.00-02-49.00-000 (14 +/- Acres) Requested Zoning R-2

##### *COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION*

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting the annexation into the City of Milford, lands containing 22.367 acres of land, more or less, legally described as follows:

Tax Map No. MD-00-174.00-02-49.01

Beginning at a point, said point being situated on the southerly right-of-way line of North East Tenth Street (30' Wide), being a corner of this parcel and other lands of McColley (D/464/039) (Tax map No. MD-00-174.00-02-49.00), and being distant S 68°36'22" W, 712.35', from the center line of the Southbound lane of Delaware Route 1, thence with said right-

of-way line N 68°36'22" E a distance of 210.00' to a found concrete monument at a corner of lands of Silicato-Wood Partnership, LLC (D/3212/210, D/3210/100, D/3210/134); thence with said Silicato-Wood Partnership, LLC, S 35°17'00" E, a distance of 239.43' to a point in line of other lands of McColley (Tax Map No. MD-00-174.00-02-49.00); thence with said McColley the following two courses and distances: 1) S 68°36'22" W a distance of 210.00' to a point, 2) N 35°17'00" W a distance of 239.43' to the point of beginning. Contained within these metes and bounds are 1.121 acres of land more or less.

Tax Map No. MD-00-174.00-02-49.00

Beginning at a point, said point being situated on the southerly right-of-way line of North East Tenth Street (30' Wide), being a corner of this parcel and other lands of McColley (D/464/039) and also being a point on the Milford City limits line and being distant S 68°36'22" W, 973.47' from the centerline of the Southbound lane of Delaware Route 1, thence with said right-of-way line N 68°36'22" E a distance of 261.12' to a corner of other lands of McColley (D/605/195) (tax map No. MD-00-174.00-02-49.01); thence with said McColley the following two courses and distances: 1) S 35°17'00" E a distance of 239.43' to a point, 2) N 68°36'22" E a distance of 210.00' to a point in line of lands of Silicato-Wood Partnership, LLC (D/3212/210, D/3210/100, D/3210/134), thence with said Silicato-Wood Partnership, LLC, S 35°17'00" E a distance of 1236.37' to a found concrete monument in line of lands of NKS Distributors Inc. (D/2788/271); thence with said NKS Distributors Inc. S 11°41'58" W a distance of 100.74' to a set iron pipe at a corner of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.00-02-51.00) thence continuing with other lands of McColley S 11°41'58" W a distance of 238.10' to a point on the Milford City limits line and a corner of other lands of McColley (D/464/039) (Tax Map No. MD-00-174.19-01-01.00); thence with other lands of McColley and the Milford City limits line N 41°51'11" W a distance of 1832.08' to the point of beginning. Contained within these metes and bounds are 12.359 acres of land more or less.

Tax Map No. MD-00-174.00-02-51.00

Beginning at a found iron pipe situated on the Northerly right-of-way line of North East Front Street, said point being a corner of these lands and lands of NKS Distributors Inc. (D/2788/271) and being distant S 41°07'48" W 440.24' from the centerline of the Southbound lane of Delaware Route 1 and distant 75' from the centerline of North East Front Street; thence with said right-of-way line S 41°07'48" W a distance of 420.23' to a found iron pipe at a corner of other lands of McColley (D/695/040) (Tax Map No. MD-00-174.00-02-53.00); thence with other lands of McColley the following two courses and distances: 1) N 57°03'08" W a distance of 157.45' to a found concrete monument, 2) N 56°40'23" W a distance of 83.64' to a point on the Milford City limits line at a corner of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.19-01-02.00); thence with other lands of McColley and the Milford City limits line N 41°51'11" W a distance of 827.50' to a point at a corner of other lands of McColley (D/464/039) (Tax Map No. MD-00-174.00-02-49.00); thence with other lands of McColley N 11°41'58" E a distance of 238.10' to a set iron pipe at a corner of aforesaid NKS Distributors Inc.; thence with said NKS Distributors Inc. S 55°55'07" E a distance of 1185.98' to the point of beginning. Contained within these metes and bounds are 8.706 acres of land more or less.

Tax Map No. MD-00-174.00-02-53.00

Beginning at a found iron pipe situated on the Northerly right-of-way line of North East Front Street, said point being a corner of these lands and other lands of McColley (D/631/171) (Tax Map No. MD-00-174.00-02-51.00) and being distant S 41°07'48" W 860.47' from the centerline of the Southbound lane of Delaware Route 1, and being distant 65' from the centerline of North East Front Street; thence with said right-of-way line S 30°35'26" W a distance of 65.74' to a point on the Milford City limits line and a corner of other lands of McColley (D/695/040) (Tax Map No. MD-00-174.19-01-03.00); thence N 41°51'11" W a distance of 252.63' to a point in lines of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.00-02-51.00); thence with other lands of McColley the following two courses and distances: 1) S 56°40'23" E a distance of 83.64' to a found concrete monument, 2) S 57°03'08" E a distance of 157.45' to the point of beginning. Contained within these metes and bounds are 7,873 square feet of land more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of the City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chairman Clifford Crouch, Councilwoman Katrina Wilson, Councilman John Workman and Planning Commission Chairman Brendon Warfel.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Mayor Daniel Marabello

Motion carried.

*National League of Cities Annual Dues*

Ms. Wilson moved for approval of the National League of Cities dues for the period of August 1, 2008 through July 31, 2009 in the amount of \$1,074.00, seconded by Mr. Morrow. Motion carried.

*Agreement/Connolly, Bove, Lodge & Hutz, Law Firm/Bankruptcy Matters*

Mr. Carmean explained that the city is often involved in bankruptcy matters mainly involving utility and tax accounts. This firm is well known as a bankruptcy law firm and would be engaged as the city's counsel in such cases. The retainer has been waived and the city would only be charged an hourly wage.

Mr. Willard explained that attorneys with this speciality are able to handle these cases more efficiently and productively. The city currently has a \$13,000 debt owed in one such case. He advised that one of his senior partners recommended the attorney from this firm who is very reputable. Each case needs to be reviewed individually to compare the amount of the debt versus the \$455 hourly rate to ensure it is worth pursuing. The idea is to participate in the creditors meeting so that when any money is divided, Milford would be in line to receive their share.

Besides the attorney fee, there are different costs associated with paralegals and other staff. He feels it may be worthwhile to have a conversation with the attorneys with regard to fees, etc. He agrees that if the attorney fees outweigh the amount owed, an attorney would not be involved.

Mr. Crouch agrees the amount owed to the city needs to be considered before we engage an attorney. However, if a large company goes bankrupt owing a substantial amount of money for utilities, then an attorney should represent us. But for \$500 or \$600 claims, we need to take our chances. Each case should be considered on an individual basis.

Mayor Marabello asked for a motion; Mr. Crouch moved for approval in order to put the matter to a vote. Motion failed for lack of a second.

Mayor Marabello suggested postponing the matter for another month so it can be studied for further discussion.

Mr. Crouch moved that this matter be deferred, seconded by Mr. Workman. Mr. Workman asked that everything be presented at the time of the vote to prevent prolonging the matter again.

Motion carried.

*Extension of Site Plan Approval/Key Properties Group, Wilkins Road w/o Cedar Creek Road-Commercial/Residential Towne Center-Tax Map 3-30-15-58.*

Attorney Jim Griffin advised that on May 15, 2007, the planning commission granted preliminary site plan approval for the Towne Center which is a 105-acre tract previously known as the Vreeland Farm. At the time of annexation, it was zoned C-3. A conceptual plan was presented for council to view.

Mr. Griffin advised that one of the requirements of the PLUS committee, was that the applicant perform a traffic impact study. The perimeters of the study as laid down by DELDOT required the applicant to study a number of intersections.

One of those intersections is Wilkins Road and Cedar Creek Road. Wilkins Road is proposed to be completely realigned and is much different today than it will be once it is realigned.

As a result, the traffic impact study has not been done because of the state of change with respect to the intersection. It will be sometime before the intersection is completed and could be as far out as 2011 or 2012. That does not mean they will be held up doing the traffic impact study that long, but until a firm commitment is made by DELDOT to construct what is now proposed, they cannot study the intersection because they will be asked to show the impact of the crossover.

Under Milford's Code, Mr. Griffin is unsure whether they are required to ask for the extension, but are on the agenda and want to pursue the approval. The planning commission gave preliminary site approval and this did not come before council. He was unable to find any reference in the code about preliminary site plan approvals having time limitations. The next step would be final site plan approval. He referred to Section 230-61 which states that any construction must be underway within a year for any application approved by council or any land rezoned by council. That is not the case with a site plan.

Mr. Griffin said because it is unclear in the code, it was recommended to take a precautionary measure and a letter was written by Mr. Fannin asking for the extension.

Mr. Willard then explained that when there is a subdivision approval, there is a time requirement before it expires. However, this is not a subdivision. Section 230-61 of the code refers to a change of zone. When this came in, it was not part of the city so it was not zoned at that time. The 230-61 extension language refers to the change of zone and within a certain amount of time of inactivity it will revert. However, this will not revert because it never had any other zone.

He would need to review the minutes to determine exactly what happened in May. He has a recollection of the annexation and zone. The applicant recognizes they will have to come back for final site plan approval which will be much more detailed. He agrees with Mr. Griffin that this extension request may not be appropriate.

Mr. Griffin asked that they either be told they do not need the approval or if there is any uncertainty, award the extension to prevent any later questions. He recalled that when Commissioner James moved for approval of the preliminary site plan approval, it was contingent on square footage and uses, as well as the number of units remaining being the same as is being presented tonight. He recalled that at the planning commission meeting, Commissioner Johnson seconded and the motion passed unanimously by a poll vote.

When asked for Mr. Willard's opinion, he stated that he does not see the downside of a vote-precedent wise. The worst case scenario is they are back in another year asking for another extension which allows council to keep an eye on the project.

Mr. Workman agrees with Mr. Willard as he does not want to wait until 2011 before they see this again. Mr. Griffin explained that was a completion date. Mr. Workman prefers the applicant come back every year so that council stays updated on its status.

Mr. Ambrose moved for approval of a one year preliminary site plan extension for the Towne Center, seconded Mr. Starling. Motion carried with no one opposed.

#### *Discussion on Citizen Comment Period*

Mayor Marabello explained that though the council meetings need to flow quickly, he still wants the public to have an opportunity to speak. He has looked at other townships and cities and has obtained some information from the city clerk. He is proposing that a 15-minute discussion be allowed. Comments will be focused about items we are talking about at that meeting or a prior meeting. Comments should be specific and to the point. People will be allowed to speak in the order they signed up with an overall time limit of 10-15 minutes. They will be required to sign up on a sheet and it will not be necessary they sign up before noon that day. They will be allowed to speak in the order they signed up.

He asked for a motion to accept the proposal.



Mr. Crouch asked if this will be part of the official council meeting and what type of discussions will be allowed. He feels there is a problem if items are discussed during a council meeting that are not on the agenda.

Mr. Willard stated this was done in the Town of Milton. He said it must be part of the agenda if a quorum is present pursuant to FOIA regardless of whether any action is taken. If a meeting is scheduled to begin at 7:00 p.m., there would be a time before the regular meeting to allow 15 minutes of public comment. He explained this is more of a town hall type atmosphere with some structure. If ten people show up, and ten minutes are allotted, the mayor would divide the time among those ten people. Each person would then have one minute for example. If there were one hundred people, each person would have ten seconds. This allows people to address items on the agenda that do not have a public comment period allotted.

Mr. Crouch said he is only asking about FOIA and anything discussed at a council meeting is required to be part of the agenda. Mr. Willard said it would be listed on the agenda as a public comment period. What is discussed would need to be controlled.

Mr. Workman feels anyone that wishes to speak need to be signed in before the start of the open forum. He does not agree that people should be able to walk in after it has started and be allowed to speak. It is important we know in advance how many people want to speak. Mayor Marabello agreed that we would have to know how many people wanted to speak to determine the amount of time each person is allotted. Mr. Workman added that if a person speaks and are only allowed one minute, that would have to be strictly adhered to.

Mayor Marabello agreed and again pointed out that the people will be permitted to speak in the order in which they sign up in a first come, first serve basis.

Ms. Wilson suggested that when they sign up, they also write down the topic they are speaking about to prevent it from becoming a shoot from the hip situation. The mayor said he will monitor it carefully to make sure it is appropriate and controlled.

Mr. Morrow would feel more comfortable if the procedure was made into a written document. He agrees with the concept, but feels it needs to be clear so everyone understands the rules. He did not see anything in the packet and wants to prevent a misinterpretation of the rules.

Mr. Willard said he would draft a format for the mayor to review. It can then be tweaked if council felt it should be changed.

Mr. Brooks asked if they are allowed to speak 15 minutes before the meeting and then not allowed to speak during the meeting. Mayor Marabello said he wants controlled comments at this point. He will endeavor to make sure the meeting keeps moving.

Mr. Willard stressed that this will not take the place of public hearings. Mr. Brooks understands that but asked if no one would be permitted to speak during the regular meeting. The mayor explained this will give the public an opportunity to voice their opinions on items on the agenda.

Mr. Willard said that in a situation where there is no public hearing but an item that requires the input of someone such as the city planner in relation to the comprehensive plan, council has the right to question that person. Or in the recent cases of block party requests, the applicant can address council on those issues. The idea of this is to provide some order to a person who wants to comment on an item on the agenda.

Mayor Marabello explained the purpose is to have control. When the 10 to 15 minutes is designated, the comments will focus on the current agenda or the previous agenda. However, it will not be a free-for-all. He will handle through strict control of his gavel.

Mr. Crouch said it is his understanding this is a time for people to make comments and it is not a time for council to engage in discussions or give opinions to them and Mayor Marabello agreed.

Mr. Crouch feels that once the meeting begins, it is a time for city council to do business without comments from the floor. This disrupts the meeting. There are public meetings when public comment is appropriate. But once the meeting begins, council needs to conduct business. There are specific periods of time designated for public comment. Council will take any statements into consideration and address them accordingly. If public comment is permitted throughout the meeting, once a person is allowed to comment, then every other person must be treated equally and each would have the ability to speak.

The city manager recommends the mayor be particularly cognizant of a person who wants to come in and complain about an employee. Mayor Marabello responded that will be prohibited.

Mr. Willard said he will add that as a rule to the sign in sheet.

Mr. Spillane asked if the mayor could still have control but allow everyone to speak about each item. He would like to hear the opinion of the people present. Mayor Marabello said he prefers starting with an open session to see how that works out. This will allow people to be part of the meetings and will be the first step.

Mr. Workman agrees that if this is something we want to do, we can try it. It can always be changed later. There may be topics that council is addressing that public comment should be taken. But those things need to be decided in advance. But council always has the right to change something if it does not work.

Mr. Crouch pointed out there are public hearings for many of those issues such as the one earlier this evening for the purpose of taking public comment. He emphasized those comments need to be taken during a public hearing and not during a business meeting of council.

Mr. Workman again requested that the format be presented in writing to council. Mayor Marabello directed Mr. Willard to draft a document to send to him which can be presented to council for a vote at the June 23<sup>rd</sup> council meeting.

#### FINANCE REPORT

Mr. Ambrose advised that through the tenth month of Fiscal Year 2007-2008 with 83% of the fiscal year having passed, 87.7% of revenues have been received and 77.4% of the operating budget expended.

Following a brief review of the revenues, Mr. Ambrose advised there are a number of line items that are significantly below the 83% for various reasons though we are still in very good shape overall in revenues. Expenditures are below the anticipated level for this time of the year.

Mr. Ambrose moved for acceptance of the April 2008 finance report, seconded by Mr. Starling. Motion carried.

#### ADJOURN

With no further business, Mr. Crouch moved that the meeting be adjourned, seconded by Mr. Morrow. Motion carried.

The Monthly Meeting of Council was adjourned at 9:30 p.m.

Respectfully submitted,



Terri K. Hudson, CMC  
City Clerk/Recorder

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*June 9, 2008*

The City Council of Milford met in Workshop Session on Monday, June 9, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers convened the Workshop Session at 7:44 p.m.

*Comprehensive Plan Update/Visions, Goals, Objectives and Strategies Presentation/City Planner Gary Norris*

The Planning Commission of the City of Milford is currently in the process of updating the 2003 Comprehensive Plan. The Comprehensive Plan sets forth in graphic and textual form policies to govern the future physical development of the City every five years. Such plan may cover the entire City as well as areas delineated as the Greater Milford Area (2003 Milford Comprehensive Land Use Plan-Revised) and all of its functions and services and/or a combination of plans governing specific functions and services of specific geographic areas. This plan shall serve as a guide to all future action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements. The enactment of the comprehensive plan is through final adoption by City Council. Reviews will take place in either the Meeting Room of Delaware Rural Water Association Meeting Room, 210 Vickers Drive, Greater Milford Business Park, Milford, Delaware or the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware during the following times:

Monday, June 9, 2008 7:00 p.m. City Council–Presentation Only  
Tuesday, June 17, 2008 7:00 p.m. Planning Commission  
Tuesday, July 15, 2008 7:00 p.m. Planning Commission  
Tuesday, August 19, 2008 7:00 p.m. Planning Commission

City Planner Gary Norris advised council this presentation had also been provided to the planning commission.

*The Vision for Milford*

According to Planner Norris, this section of the comprehensive plan is meant to be a working document that results in concrete changes to the way the City of Milford manages itself – as well as creates a stronger climate for encouraging redevelopment and reinvestment in the city. It represents a blueprint for action that provides direction and assists decision making over the next five years. The intent is to fulfill the goals, objectives and strategies that embody the civic contract that is a result of this effort. Implementation will involve a host of city departments, boards and commissions, other local public entities, state agencies, nonprofits, businesses and citizens.

The comprehensive plan is intended to be used on a daily basis as public and private decisions are made concerning development, redevelopment, capital improvements and other matters affecting the city's environment – built and natural – and Milford's outstanding quality of life. In addition, the plan provides guidance to city departments regarding public services and programs.

The following section of the comprehensive plan represents how Milford will achieve its comprehensive plan. This section addresses various visions, goals, and objectives. It is important that we define these terms in order to understand how the

City of Milford will accomplish the comprehensive plan.

A Vision defines where the organization such as the City of Milford wants to be in the future. It reflects the optimistic view of the city's future.

Goals are statements that provide the overall context for what the city trying to accomplish in the next five years. The achievement of goals helps the city move closer to its vision.

Objectives are specific statements describing what the city is trying to achieve and when it will be achieved.

Strategies are the action plans that help the city achieves the objectives.

The State of Delaware requires that the comprehensive plan be updated every five years. The last terms in the Vision section are participants and the time frame for completion. The major participants are listed in order to achieve the strategy, objective, goal, and vision it takes more that just the City of Milford, but a multiplicity of organizations.

The time frame section has been broken down into short term which hopefully will be achieved in the next year, mid term which involves a time frame of approximately two to three years, long term which may take the full five years to accomplish, and on going which means the activity in continuing throughout the five-year period.

### *Neighborhoods*

#### *Characteristics of Neighborhoods*

In an effort to further identify development and characteristics of the city, the City of Milford was sectioned into four neighborhoods. These neighborhoods include the town center, the southeast section, the northwest section and the southwest section. This is the opinion of the planning department and is based on some geographical and some physical barriers or restrictions. Discussion remains open on the validity and the options regarding the selection of these neighborhoods, but this is intended to be a starting point for further inquiry and dialogue regarding the selection of these neighborhoods as well as providing a more in depth study of these particular study areas.

Some characteristics of neighborhoods in general include reference to a small group of houses in the immediate vicinity of one's house or to a larger area with similar housing types and market values.

Neighborhood is used to describe an area surrounding a local institution patronized by residents, such as a church, school, business district, or social agency. It can also be defined by a political ward or precinct. The concept of neighborhood includes both geographic (place-oriented) and social (people-oriented) components.

Another characteristic of neighborhoods is based on a low-tech idea: a neighborhood is only about a 15-minute walk wide. It's everywhere we can get to and bring stuff home, before our feet get too tired. It's roughly a quarter to half a mile in radius depending on the change in elevation and the availability of pedestrian walkways and direct connectivity with a variety of neighborhood commercial and residential opportunities. The potential exists that this 15 minute walk may be expanded in the future due to the rising cost of energy, as more people hopefully abandon local short trips in their automobiles and opt to walk.

#### *Town Center*

The Town Center is roughly composed of seventy-five city blocks. The heart and soul of this neighborhood is the Riverwalk, along the Mispillion River. It combines the water experience in an urban environment, with its wide pedestrian pathways and closeness to the retail shopping opportunities in the downtown. Other major characteristics of this neighborhood include the three Historical Districts which give this neighborhood added character and charm. It includes the two Elementary Schools, the City of Milford's city park, Bay Health Medical Hospital and ancillary medical facilities located adjacent to this medical facility.

The Town Center also has major employers consisting of the Dentspy/Caulk Company and additional employment and commercial development. The focal point of this neighborhood is the Riverwalk along the Mispillion River. Following are Opportunities and Challenges for this neighborhood.

#### Opportunities and Challenges

- \* Expansion of the Riverwalk and additional proposed residential development along the Mispillion River
- \* Reuse of the existing BayHealth Medical facility if it is ever vacated
- \* Expansion of the existing three Historical Districts
- \* Development of pedestrian/bicycle connection with the existing Riverwalk connecting other neighborhoods with this valuable resource.
- \* Maintaining the existing residential neighborhoods in stable condition

#### *Southwest Neighborhood*

The Southwest neighborhood consists of Route 113 acting as the spine of the neighborhood. To the south and east of route 113 there is a large master planned community called Central Park at Milford Ponds which has received both preliminary and final approval for various sections and the developers expect to start construction on several housing types in the future. A major housing development called Simpsons Cross to the north of Central Park is still unresolved which would have provided additional housing to residents of Milford.

On the west side of Route 113 is a proposed commercial and residential development called Cypress Hall. Other residential proposed residential neighborhoods include Brookstone Trace, a restricted age community and Walnut Village. Additional facilities include the Milford Middle School, several smaller residential developments, and the transfer station. The focal point at this time seems to consist of the Middle School, which provides the needed recreational space and the proposed commercial/residential development which will provide shopping and business opportunities to residents in the southwest section of the City instead of driving further north along Route 113.

The following are the Opportunities and Challenges of this neighborhood.

#### Opportunities and Challenges

- \* The reuse of the BayHealth Medical facility
- \* The development of the Simpson Crossing parcel.
- \* Additional development to the south and west placing transportation demands on the existing roads
- \* Additional commercial and residential development along Route 113

#### *Northwest Neighborhood*

The Northwest section is primarily an employment and commercial neighborhood with several residential areas. These residential areas include Knotts Landing, Light House Christian development a residential community near the intersection of Route 113 and Delaware 1, Wexford a proposed Traditional Neighborhood Residential Development just north of Route 114, Forrest Hills a proposed townhouse residential development off of Holly Hill Road as well as land designated for single family development south of the railroad line. Major employers in this district include Grow Mark, Southern States, the Greater Milford Business Park, Independence Commons which has the Delaware Veterans Home, Hospice of Delaware, and under construction the Boys and Girls Club of Milford.

It supports a large commercial area with the Wal Mart shopping complex, several out parcels accommodating a variety of eating establishments and small commercial enterprises. Major employers occupy the Masten Circle compound. An additional employer and provider of open space is the Milford High School. The outstanding parcel to the west commonly referred to the Fry property like the Simpson property remains undeveloped at this time.

#### Challenges and Opportunities