

*MILFORD CITY COUNCIL
MINUTES OF MEETING
November 22, 2010*

Milford City Council held Public Hearings on Monday, November 22, 2010 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on the following matters:

The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware and Delaware State Housing Authority (DSHA) for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. This federally funded program provides grants amounting to \$2,000,000 to support community development activities in eligible local governments in Kent & Sussex Counties. A status report for Milford's FY10 projects is also planned.

PRESIDING: Honorable Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearing to order at 7:00 p.m. He then invited Albert Biddle, Housing and Community Development Coordinator of Kent County and Dale McDowell, Senior Planner of Sussex County Community Development and Housing Office to present the program.

Mr. Biddle began by explaining this is the annual and duly advertised joint public hearing for the Community Development Block Grant program administered through Kent and Sussex Counties. The purpose is to solicit and obtain citizen input on the program and the ability for Kent and Sussex Counties to apply for funding through the Delaware State Housing Authority on behalf of the city. Applications are due March 1st for the fiscal year that begins July 1, 2011. Approximately \$2 million is available for the two counties and their municipalities.

He explained that Delaware State Housing Authority has provided guidelines with the primary goal being housing rehabilitation of owner-occupied houses. Other eligible projects are the demolition of vacant and condemned single family structures and small infrastructure projects such as sidewalks, drainage, sewer and water improvements. However, such projects are further down the list and not priority.

Mr. Biddle emphasized the CDBG program is for low and moderate income persons. He then referenced the following income guidelines for FY11:

	30% OF MEDIAN	Kent County		30% OF MEDIAN	Sussex County	
		LOW	MODERATE		LOW	MODERATE
1 Person	12,450	20,700	33,150	12,250	20,450	32,700
2 Person	14,200	23,650	37,850	14,000	23,400	37,400
3 Person	16,000	26,600	42,600	15,750	26,300	42,050
4 Person	17,750	29,550	47,300	17,500	29,200	46,700
5 Person	19,200	31,950	51,100	18,900	31,550	50,450
6 Person	20,600	34,300	54,900	20,300	33,900	54,200
7 Person	22,050	36,650	58,700	21,700	36,250	57,950
8 Person	23,450	39,050	62,450	23,100	38,550	61,650

He noted there is \$72,000 on the Kent side to do four rehabilitation projects for the current year. They are presently taking applications that must be completed before the June 30th deadline.

Mr. McDowell then briefly commented about the funding and process on the Sussex side. He submitted a written report showing the status of CDBG funding from 1993-2010, program guidelines and copies of resolutions for adoption.

Mayor Rogers then asked for questions or comments. No one responded. The mayor then closed the floor for public comment.

The mayor then thanked both gentlemen for the ongoing support of Milford noting the amount of the work that was done over the years with the help of their program.

Mr. Pikus moved for adoption of the following resolutions, seconded by Mr. Grier:

RESOLUTION 2010-18

Sussex County

ENDORSING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING DAVID B. BAKER, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ _____, total CDBG grant request is \$ _____. Matching funds in the amount of \$ _____ will be provided by the City of Milford general funds. NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 22nd DAY OF NOVEMBER 2010.

Council Members

Steve Johnson
Garrett Grier III
S. Allen Pikus
Jason Adkins

Owen Brooks, Jr.
Douglas Morrow
James Starling, Sr.
Katrina Wilson

Joseph R. Rogers
Mayor

CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 22, 2010 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

Mayor Joseph R. Rogers

RESOLUTION 2010-19
Requirement for Fair Housing
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

RESOLUTION 2010-20
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor Joseph R. Rogers, to submit the Fiscal Year 2011 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2011 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

RESOLUTION 2010-21
Requirement for Fair Housing
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 22, 2010.

Mayor Joseph R. Rogers

Motion carried by unanimous roll call vote.

With no further business, the Public Hearing was adjourned by Mayor Rogers at 7:13 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 22, 2010

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 22, 2010.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

CALL TO ORDER

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

INVOCATION AND PLEDGE

Prior to the Public Hearing, the Pledge of Allegiance followed the invocation that was given by Councilman Starling.

COMMUNICATIONS

Nothing to report.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution 2010-17/Charter Change/Election Date/Easter Weekend Conflict

The charter requires the election to be held the fourth Saturday in April. It was discovered the 2011 election is scheduled on the Saturday between Good Friday (city holiday) and Easter Sunday. No one remembers this occurring in the past and it was determined it would not happen again until 2038. In order to address this issue, a charter amendment is required.

The following resolution, which would move the election to the third Saturday in April, only in those years when it falls on Easter weekend, was presented for council consideration:

CITY OF MILFORD CHARTER AMENDMENT
Election Date Change/Easter Weekend
RESOLUTION 2010-17

A Resolution amending the City of Milford Charter, as was approved by the Council of the City of Milford on November 22, 2010 and in accordance with Title 22, Chapter 8, Section 811 of the Delaware Code.

WHEREAS, the Charter of the City of Milford requires the Annual Municipal Election to be held on the fourth Saturday of April; and

WHEREAS, in some years, that Saturday falls between Good Friday and Easter Monday; and

WHEREAS, this has the potential to place a burden on observant Christians and those celebrating the holiday with family and friends, many of whom will be out of town.

NOW, THEREFORE, BE IT RESOLVED:

That any year in which the Annual Municipal Election falls between Good Friday and Easter Sunday, that election be moved to the third Saturday in April to allow for maximum voter participation in the City of Milford Elections.

AND BE IT FURTHER RESOLVED that the City Solicitor of the City of Milford, is authorized and directed to forward a copy of this Resolution and Amendment to the City of Milford Charter to members of the Delaware General Assembly and to seek the assistance and support of those members of the General Assembly for this City of Milford Charter Amendment.

AND that the General Assembly of the State of Delaware is hereby requested, during its 2011 Session, to approve by no less than a two-thirds vote of all members elected to each branch, the amendment of the City Charter of the City of Milford, Delaware in the form and manner as follows:

SPONSORS:

Delaware State Senate
146th General Assembly
Senate Bill No.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MILFORD, BEING CHAPTER 148, VOLUME 72, OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article II, Section 2.01, by inserting a new subsection 2.01(1) to read as follows:

(a) The annual municipal election shall be held on the fourth Saturday in the month of April between the hours of 12 noon and 8:00 p.m. at such places as shall be determined by the Council and in accordance with State law.

(1) Except that, in any year when the fourth Saturday in April falls between Good Friday and Easter Sunday, the annual municipal election shall be held on the third Saturday of April.

Section 2. This Act shall become effective upon its enactment into law.

SYNOPSIS:

This Act amends the Charter of the City of Milford by authorizing a change in the date of the Annual Municipal Election to prevent any conflicts with the Easter Holy Days.

Mr. Pikus moved to adopt Resolution 2010-17, seconded by Mr. Brooks. Motion carried by unanimous roll call vote.

The city manager advised the resolution will be forwarded to the General Assembly when they reconvene in January.

Ordinance 2010-20/Water Code Amendment

Mr. Baird advised that after speaking with several council members regarding private wells in the city, an ordinance was prepared which would place a limitation on the types of private wells that would be allowed. The ordinance also provides

a number of definitions for the types of wells.

The highlights of the amendment were then read by the city manager. He explained the amendment was needed after the city was questioned by DNREC after we denied a private well permit. Once it was determined our ordinance does not specifically prohibit wells, DNREC continued to issue well permits which caused a great deal of confusion about whether they were permitted or not. From the water system standpoint, it created a question over some public health issues as well the safety and security of the city's water supply. In the case of a private well, there is the possibility it could be connected to the household and the ability for cross-connection between the public and private wells. Ultimately, the city would be responsible for any co-mixing. This will prevent any potential conflicts in the future.

Mr. Morrow arrived at this time.

The ordinance is presented to address these problems, and should council agree to proceed, it will be introduced at the December monthly meeting.

Mr. Pikus asked if the three or more acre requirement applies to an irrigation well used for watering of lands or crops other than household lawns and gardens. He asked if this would apply to a person who wants their own well for watering a garden but only has an acre of land; Mr. Baird answered by stating that irrigation wells would only be allowed on cropped land. Mr. Pikus asked for confirmation if that meant no less than three acres.

Mr. Baird agrees there is some ambiguity that could be left to interpretation. Mr. Pikus asked if a minimum three acres should be added. Mr. Baird referred to the definition of agricultural well which states the watering of household yards and gardens and feels it would be classified as a garden.

Mr. Pikus asked if it would be left to discretion; the city manager said the definition was taken from the state codes so there would be consistency between the two.

Mr. Brooks recalled the well prohibition that was in the water code, stating that somewhere over the years, it was removed and it should be added back.

Mr. Pikus said we should proceed because the city needs some sort of protection to prevent the problems that are occurring now.

Mr. Pikus moved to proceed with Ordinance 2010-20, seconded by Mr. Brooks:

ORDINANCE 2010-20

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 222 THEREOF, ENTITLED WATER, For the purpose of PROHIBITING CERTAIN TYPES OF PRIVATE WATER WELLS.

WHEREAS, water services are available to businesses and residences within the City of Milford;
and,

WHEREAS, it is necessary that these services be utilized and that for health and safety purposes, persons within the City of Milford are not allowed to build and maintain separate water wells except as defined herein.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Section 3 of Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following definitions:

AGRICULTURAL WELL— A well used for the watering of livestock, poultry, aquaculture uses, or solely for the

watering of household yards and gardens or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

DEWATERING WELL—A well used to remove ground water for construction of footings, sewer lines, building foundations, elevator shafts, etc.

DOMESTIC WELL—A well primarily used for potable non-public water supply purposes and which may be used for non-potable purposes, excluding heat pump supply.

HEAT PUMP CLOSED LOOP WELL—A sealed and pressurized loop of pipe containing a heat exchange solution which is circulated below the earth's surface and utilizes groundwater for the purpose of heat transfer.

HEAT PUMP RECHARGE WELL—A well constructed and primarily used for injecting ground water source heat pump effluent back into an aquifer, and which may be used for other non-potable water supply purposes provided prior written approval is obtained from the City.

HEAT PUMP SUPPLY WELL—A well constructed primarily to obtain ground water as a source for heat pump supply purposes and which may not be used for other purposes such as domestic water supply.

INDUSTRIAL WELL—A wells which is used in the processing, washing, packaging, or manufacturing of a product excluding food and beverages.

IRRIGATION WELL—A well which is used for the watering of lands or crops other than household lawns and gardens.

MONITOR WELL—A well installed for the sole purpose of the determination of subsurface conditions and collecting ground water samples.

OBSERVATION WELL—A well used for the sole purpose of determining ground water levels.

POTABLE WATER--Any water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is acceptable for human consumption.

PUBLIC WELL—A well which is used to supply water to more than three dwelling units; twenty-five (25) or more employees; in the manufacture of ice, foods, or beverages; to the public in food washing, processing, or preparation in a plant, restaurant, or other facility.

TEST WELL—A well installed to ascertain the lithology and water transmission properties of an aquifer or geologic materials and which may be used to determine water quality; a well which is not used on a permanent basis.

Section 2. Chapter 222, Water, of the Code of the City of Milford is hereby amended by adding the following section:

§222-32 Wells.

A. Except as provided in this section, no person shall install, construct, develop, maintain, or use any type of well within the City limits and/or the area served by the City's water system.

B. Upon the issuance of a permit by the City, the following types of wells are allowed to be installed, constructed, developed, maintained and used within the City limits and/or the area served by the City's water system.

1. Any well lawfully in existence at the time of enactment of this ordinance, provided, however, the size of such wells shall not be expanded.
2. Agricultural wells on properties of three or more acres (The intended use of agricultural wells in the City of Milford is for irrigation of open space, public grounds, school grounds, parks and recreational playing fields).
3. Domestic wells when the property is not located within 200 feet of the City's water system.
4. Heat pump wells are permitted for the conservation of natural resources and energy.
5. Dewatering, observation, monitoring and test wells are permitted in accordance with state regulations.
6. Public, Industrial or Irrigation wells are permitted upon approval of City Council.

Motion carried by the following 5-1 vote:

Yes-Johnson, Grier, Pikus, Brooks, Starling

No-Adkins

Mr. Morrow abstained because he just arrived at the meeting and missed most of the discussion.

Cell Tower Lease/Open Range Communications, Incorporated

Mr. Baird referenced the proposed lease and accompanying site agreement for a cell tower lease between the city and Open Range Communications. He said they are proposing to lease space on the Washington Street Water Tower.

The terms are very standard and in accordance with the other cell leases currently in effect. The agreement is for five years, with five, five-year renewals for a total of thirty years. The rental is \$1,500 per month with a 2% annual escalator.

Mr. Brooks suggested the lease money be considered for water tower maintenance; Mr. Baird advised the tower leases are considered General Fund Revenues though he suggests that be debated during the annual budget process.

Mr. Pikus moved for approval of the Open Range Communications, Incorporated lease and site plan agreement, seconded by Mr. Atkins. Motion carried by unanimous roll call vote.

Bid Award/450 Truck with Dump Body/Water Department

The following sealed bids were received, publicly opened and read on November 18, 2010:

<i>Bidder Name</i>	<i>City/State</i>	<i>Bid</i>
Bayshore Ford	New Castle, DE	\$48,941.40
Coatsville Ford	Coatsville, PA	\$47,750.00
Hertrich Fleet	Milford, DE	\$47,373.00
Boulevard Ford	Georgetown, DE	\$49,259.00
Motor Fleet	Ocean, NJ	\$45,640.00

Public Works Director Brad Dennehy addressed council explaining the new truck would replace a 25-year-old full size dump truck and a 15-year-old smaller dump truck. It was included in the 2009-2010 budget though the process was delayed but will move forward this year.

Mr. Dennehy explained the smaller truck is easier to use on the narrower streets when it comes to getting in and out. Though they originally planned to purchase a 350, it was later decided to purchase a 450. Because of last year's snow storm, their intention is to increase the number of vehicles with a plow. He pointed out the 4-wheel drive is an added benefit.

Last year's capital budget had \$45,000 earmarked for a Ford 350; however, that did not include a snow plow attachment or the 4-wheel drive option. The state contract was showing \$47,983. Because only \$45,000 was available, they decided to bid the truck. The lowest bid of \$45,640 was out of Ocean, New Jersey and for the larger truck which includes the plow attachment and 4-wheel drive. The truck and plow are the same though the dump body is slightly different from the specs, though Mr. Dennehy feels it will be sufficient.

He then presented pictures of the vehicles being replaced. The public works director noted that the yellow truck will continue to be used though a plow will be added.

Mr. Dennehy's recommendation is to accept the lowest bid from Motor Fleet. The additional \$640 will be taken from the Water Department's Vehicle and Maintenance Account.

It was confirmed they have 120 days to deliver the vehicle.

Mr. Adkins moved to award the bid to Motor Fleet in the amount of \$45,640, seconded by Mr. Starling. Motion carried by unanimous roll call vote.

Mr. Pikus votes yes but would prefer to award these bid to local bidders though they would need to be somewhat more

competitive.

ADJOURN

With no further business, Mayor Rogers adjourned the Council Meeting at 7:42 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Terri K. Hudson". The signature is written in a cursive style with a long horizontal flourish at the end.

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

November 22, 2010

The Milford City Council met in Workshop Session on Monday, November 22, 2010 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Jason Adkins, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

ALSO: City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

The Workshop Session convened at 7:42 p.m.

Office of State Planning/Southeast Master Plan

City Planner Gary Norris referenced a zoning map of the Southeast Planning area of Milford pointing out various sites projected for future development. He explained the process started approximately two years ago when a Memorandum of Agreement (MOA) was signed by the City of Milford and the Office of State Planning. Other participants included DELDOT and the Department of Agriculture.

The planner then recalled what was proposed east of Route 1 was a large residential development and proposed relocation of Milford Memorial/Bayhealth Hospital. Regarding the planning of this area, Mr. Norris read the following excerpt of the agreement:

The city initiated its planned amendment process due to the imminent development pressures in the area proposed under the Sussex County regulations which would have allowed housing to be constructed without public utilities or municipal services.

He said it was the city's position the proposed development would have impacted the city in many ways including, but not limited, to roads, police, fire service and parks and recreation. In addition, the area east of Route 1 was designated a level four according to the state strategies for state policies and spending (which was essentially farm land and no state money could be used in a level four area for the installation of public utilities or public services). There was encroachment into this area and concern raised by the Department of Agriculture as well as the Office of State Planning. The MOA was then signed in 2008. Meantime, the 2008 Comprehensive Plan included input from the property owners in relation to the future land use for this area.

Mr. Norris continued by explaining that while this comprehensive plan was being worked on, the MOA was set aside. Once the comp plan was certified by the State of Delaware, they began to rework the MOA with a variety of input from property owners as well as those that attended the three meetings at Carlisle Fire Company.

Property owners were asked to make a choice about what they wanted to see in the southeast area. Essentially, there were three scenarios that came out of the three meetings. One was an extension outward from the town, going in all directions toward the southeast. The second scenario was what Mr. Norris referred to as the New Town Center at Route 30 and Route 1. The last scenario is to continue as it currently exists and allow any development to occur in Sussex County which is approximately two dwelling units to the acre.

He said the participants at the last meeting voted on all three of the scenarios and there was no consensus reached on any of the three scenarios. As a result, they continued to work on the southeast planning area.

They then talked about the transfer of development rights (TDRs) which is the transfer removal of the right to develop

or build, expressed in dwelling units per acre, from land in one zoning district to land in another district. This proposal includes two areas—a sending area and a receiving area. The sending area could be an agricultural preservation area or farmland; the farmer could bank the number of dwelling units calculated per acre until needed by a developer. That developer would buy those development rights thus increasing the density in the receiving area. According to the city planner, this protects the farmland and open space areas, while allowing the developer to increase the density in more suitable areas.

He then discussed transit-oriented development (TOD) that is a higher-density mixed-use development within a half-mile walking distance of a transit station. A performance-based definition is used as projects should also include ‘location efficiency’ that allows people to walk, bike and use transit, boosts transit ridership and minimizes traffic and provides a mix of housing, shopping and transportation choices and provides a sense of place.

Mr. Norris emphasized this a cooperative effort that involved the Office of State Planning, Department of Agriculture, DeIDOT and DNREC.

He then referenced the South Milford Master Plan Agriculture Map and the agricultural easement east of Route 1, the TDR sending area and open space agricultural areas. Also noted were the receiving areas where density could be increased.

When questioned about the TDRs, Mr. Norris explained an example would be a 100-acre farm with 100 units. The owner could transfer the 100 development rights to a receiving area where a developer could build a higher density. Thus, the farmland would be preserved while the farmer received a fee for the development units. The developer could then increase the density in a particular area from four to eight units, as an example.

He noted the specific sending and receiving areas shown on the map.

The city planner stated that DNREC’s concern was the White Cedar Forest and the excellent recharge area on the Innovation Park parcel and any development along Cedar Creek in relation to the floodplain and wetlands.

Mr. Norris then presented the Master Transportation Plan that DeIDOT has proposed near Route 30 and Delaware 1. He explained the Phase I transit circulator and road upgrade which connects the downtown area with the residential developments along Elks Lodge Road, Wilkins Road and Delaware 1. Phase II involves upgrades to Cedar Neck, Sapp and Buck Roads. DeIDOT’s proposal is to replace the sharp turn with a more gradual turn from Sapp Road going south onto Buck Road. Phase III involves Johnson Road, Route 30 and Elks Lodge Road. There would be major improvements to various intersections for potential development at Innovation Park as well as improvements to the Johnson Road/Route I intersection and along the proposed Innovation Park development. Shown is a proposed connector road from Cedar Neck Road to Johnson Road.

Additional transit stops are proposed in the area should a bus system ever be developed to serve the downtown and Southeast Milford area.

The city planner emphasized this is only a proposal for the Southeast Milford area though he is unsure when or if it will ever be developed adding it could take as long as five to a hundred years.

Then referenced were the maps showing the proposed water and sewer utility plan. He said there is currently a proposal to break water on Elks Lodge Road in addition to other vicinities. There are also ongoing discussions about the location of the proposed water tower which would serve that area and become a backup with a loop system for our current system.

Connie Holland, Director of Office of State Planning then addressed council reporting that Milford is light years ahead of the 57 municipalities and three counties with this master plan. She reported that New Castle County and Georgetown have both started master plans, but neither are where Milford is either.

Ms. Holland reported how pleased she was with the success our staff has had working with the state, county, DNREC,

Department of Agriculture and DeIDOT. She commended Circuit Rider Planner David Edgell from her office who has done a great deal of work on this plan.

She feels this plan provides predictability and forms an inclusionary vision. She was pleased with the turnout Milford had at the three meetings. She felt that many of those in attendance did not initially understand the plan, but after working thru it, there was a lot of positive feedback.

Ms. Holland feels that Milford will be shovel-ready for houses, economic development and preservation. She is hoping to get the farmers together and the people that would like to sell, as well as those that want to continue to have green space. She feels this far outweighs the current comprehensive plan for growing, zoning, subdivisions and site plans.

She reported that only 2% of the land in the State of Delaware is zoned for economic development; Milford has an area they have done lots of research on.

She concluded by saying the age group coming out of college does not want large lot subdivisions though there are many for sale. They want to be closer to the action, closer to their jobs and want to be able to walk to a store or to a restaurant. The baby boomers are now rethinking the maintenance involved with large lawns and homes and are now considering life style changes and alternative housing choices. Her office is working with the Delaware Board of Realtors and Attorneys who are all discussing the economy and how to bring it back. She feels this is the first step for Milford in planning how to do that.

Milford's plan has been used as a sample and was provided to attorneys, the public and to IPA (Institute of Planning). She added that unfortunately, Delaware does not have enough planners to get this done for every jurisdiction that wants to get into the business that Milford is now in.

Ms. Holland asked that we consider using the option that TDR's be used in the downtown for commercial areas. She said when they use Milford's plan and speak to other people, everyone is excited about how committed Milford is to making sure that downtown stays as viable as Southeast Milford and there will be a bridge between the two.

She emphasized there are many committed to this plan including DeIDOT who is very committed to the entrance and getting that done and DNREC has been involved throughout the process. She feels this is the most unique ordinance put together for TDRs that she has seen and agrees it works much better at the local level because there is not as much competition. She said that everyone wants to put their farm in ag land preservation at the state level adding there is a long list. However, if done within a local jurisdiction, that town can determine where it can go with less competition which will result in better TDRs.

Mayor Rogers thanked Ms. Holland and her staff adding that working together has proven that a great deal more can be accomplished.

City Planner Norris then reported that one more public hearing will be held in addition to the presentations to the planning commission. They will then make recommendations to city council who will take final action. In the meantime, these maps will be published on our website.

When asked what this means for current and future property owners, Ms. Holland said there are so many more options with this process than before. She feels this is a win/win situation though it has not been easy. Overall, the reception from the three meetings was very good. She pointed out that current business owners want to know what they can do in the next five years and potential business owners want to know where the sewer and water will come from. The town needs to know how many more police officers will be needed, how many other schools should be considered and where the next fire station should be located. She feels this plan gives that predictability. In her opinion, it is the best plan she has seen in her forty years in the profession.

Mr. Norris added that from his perspective, if the existing property owners want to develop, they can develop under the existing zoning ordinance and be in conformance. If a perspective property owner wants to develop, this provides the

tools and the best location for the utilities. DeIDOT has identified the streets and intersections where improvements are needed. Also, as it relates to open space and preservation of farmland, they have given those potential farmers the TDR concept that allows them to sell their developable rights to a place elsewhere in the city possibly more suitable for development. Mr. Pikus pointed out one of the main questions the city receives about a prospective development is in relation to the access to that property. He asked what DeIDOT considers an upgrade and whether it is resurfacing or the actually widening of a road.

Bruce Allen, DeIDOT Planning Supervisor, explained that before they consider any of the roads within the study area and especially east of Route 1, they want to upgrade to a minimum of eleven-foot wide lanes. Currently they vary anywhere from eleven to twelve feet depending on the location. The main problem with roads east of Route 1 is they have no shoulders; given the projected increase in residential and commercial development east of Route 1, that is a safety issue and five foot shoulders would have to be added on all those roads. Except for one of the spur roads going into the Innovation Park area, they are not recommending any major increases in capacity, but instead safety improvements by adding shoulders to what are currently referred to as rural roads. Those will need to accommodate any increased residential or commercial activity in the area.

It was asked if Innovation Park is developed two years from now, what will happen to the roads that enter Innovation Park (noting this is a typical question by the public when council is considering an annexation, a development or a change of zone to a property). Mr. Pikus stated that if Innovation Park is developed to the magnitude that is planned, which he hopes will occur, more accessible roads will be needed.

Mr. Allen responded by stating that DeIDOT typically requires a traffic impact study be done. Intersections are identified around any development that will need to be updated. In this area, a Transportation Investment District will need to be adopted. DeIDOT will treat the area as a whole. As it is studied, they will consider the analysis and traffic projections and include any public and private partnerships. Unfortunately, in such a case, no one can predict what will come on line first as parts of the area are developed before others. But, if an Innovation Park develops within the next couple of years, it would become a shared cost between Innovation Park, DeIDOT and the city. Presently, there is no formula worked out. DeIDOT would create an apportionment funding formula between the private sector, commercial or residential development. The specific responsibilities of those parties would then be described in an agreement.

Ms. Holland noted that though Ralph Reeb was unable to attend, DeIDOT is on board with the concept of Innovation Park. It is in the capital budget though it would become a cost sharing. She said it has worked in Middletown where they have learned what does and what does not work. Mr. Allen added that Secretary Wix is looking at this as a model for other growing areas around the state because a great deal of the growth in the state is occurring around municipalities just as Livable Delaware was crafted. The idea of adopting the Transportation Investment Districts allows a more systemic review of the whole area versus only looking at one development. This allows the towns to enact their vision for the future in terms of land use. She added that a lot of the criticism was we were not linking together land use and transportation issues. Transportation is always chasing after land use. Having this type of master plan clearly defines land use types and densities and helps DeIDOT support any needed infrastructure.

Mr. Brooks asked the time line of the transportation plan DeIDOT is proposing. Mr. Allen advised that Jim Satterfield is the project manager for the Route 1 and 30 Grade-Separated Interchange, but the latest he heard is construction was funded. The project is anticipated to begin in the winter of 2011-2012 with completion in the summer or early fall of 2013.

Mr. Brooks asked the status of the Thompsonville Interchange and New Wharf Road Overpass; Mr. Allen and Ms. Holland said they do not have that information available. However, Mr. Allen offered to speak to the staff involved in the project and get that information for Mr. Brooks.

Mayor Rogers asked that information be provided to the city. Mr. Allen said he would get the information tomorrow.

When asked if these projects are part of the master plan ranking in DeIDOT's capital program, Ms. Holland advised the cabinet committee on state planning issues just adopted State Strategies for Policies and Spending and Milford's

jurisdiction is in level one and level two. The master plan gives a leg up and is why people want to get into the process.

She further explained that level one areas are more easily accepted by the state because the infrastructure already exists and it is easier to support and work through those scenarios. Level one runs down the middle of the state where development has already occurred; level two is slightly out and in the areas where most towns annex; level three extends further and takes in some farmland; level four are green areas that have mostly been purchased by the state or put in preservation by a private agency. Such levels are used for preliminary and PLUS reviews. Anything brought in under a level four can be approved though the state has no money to build roads in the area, thereby preventing any schools from being built there.

Mr. Pikus asked the status of the Farmland Preservation Bill; Scott Blaier of the Department of Agriculture advised the program is still up and running. A few years ago, Delaware received \$10 million in permanent funding but that has since been reduced to \$3 million because of budget cuts. The current governor was on the board for many years and he expects it will continue to be funded though there will be less funding.

Ms. Holland recalled the state bill that did not pass. Afterwards, a few local jurisdictions passed ordinances that worked out much better. Mr. Blaier explained that with the banking concept, as has done with both counties, the money received after the developer purchased some developing rights from outlying farms would come to them with match money from state and federal programs. For instance, New Castle threw in \$600,000 though they had a 3 to 1 match from federal dollars. For every dollar they threw in, they received \$3 back in federal dollars and were able to leverage that to purchase all the properties up for grabs that particular year. Milford could come to the Department of Agriculture with any money and get a match. This would leverage the funds while preserving a great deal more land.

Mayor Rogers again thanked Ms. Holland, David Edgell, Mr. Allen and Mr. Blaier for attending this evening. He then thanked City Planner Gary Norris noting his continued work in making Milford a better place today.

Circle of Light, Incorporated/Milford Cold Weather Shelter

Pastor Kevin Bowers, First Presbyterian Church, advised he is present on behalf of Circle of Light and recalled their appearance before council approximately one year ago. At that time, they were considering venues and opportunities to address issues regarding homeless women and children. He advised their protocols have shifted as they have proceeded, but after opening their office doors in February, they have assisted 30 homeless women and 19 of their children in various ways, but primarily for providing emergency shelter. DelDOT has provided bus tickets for transportation to doctor appointments and/or job interviews and help getting documentation like birth certificates and school records was also provided.

The Circle of Light office at 129 N.W. Front Street (former Lady Bug Shop) is also hosting support groups for local women to share and support one another in addition to providing some personal services.

They have also partnered with the Milford Church of the Nazarene and their new Pastor Arthur Roxby and Jim Oechsler, a former council member. They will be using their church facilities as an outreach to the homeless population. They have a large basement that can be used as an emergency cold shelter called 'Purple Shelter' this winter.

Pastor Bowers advised the two groups have come together and are working under the umbrella of Circle of Light as part of the Milford Ministerium. On November 4th, they had a community meeting at which time 13 religious communities attended along with Chief Keith Hudson of the Milford Police Department, Administrator Chereilyn Homlish of People's Place and Roger Wood of Gods Way to Recovery. Of those 45 people present, all agreed the program should proceed which is why they are now asking for councils' understanding and blessing to do that.

Pastor Bowers said they have different groups working on various things. They have partnered with other community organizations that have had or still have emergency cold shelters including Dover Interfaith Housing Coalition, Talbot Interfaith Shelter in Cecil County, Meeting Ground Homeless Community in Maryland and Wilmington and Friendship House in Wilmington and Newark.

They have provided valuable information to help with policies/procedures and training protocols which they hope will be in place next week for approval of the Circle board. There are people addressing insurance and medical issues. They have to comply with fire and safety regulations after a representative from the State Fire Marshal Office visited the Church of the Nazarene last week.

Pastor Bowers reported there are still many things needed for this to become a reality which is why they are still out informing people and bringing them on board at the same time. If the time line falls into place, they would get approval of the package next week, which means the medical and insurance issues would need to be resolved. A second meeting will be held December 2nd at the Church of the Nazarene where they will hopefully begin to organize the volunteer teams and identify any particular needs they have yet to address. Their goal is to be ready to open by January 1st of 2011.

The program consists of three components--intake at Circle of Light, shelter at the Milford Church of Nazarene and the volunteer groups.

It will provide temporary shelter for individuals when the temperature reaches 25 degrees or lower. Volunteers at the shelter site will provide hospitality, an evening meal, overnight security and a light breakfast the following morning. Circle of Light will be responsible for intake at their office separate from the actual shelter. Guests will fill out an information sheet, medical forms, liability waivers and sign off agreeing to the shelter program rules. Those rules include a background for outstanding warrants and sex offender lists, a pocket search, breathalyzer test, random drug tests and the security of medications, knives and other property at the discretion of the intake staff. Guests will be required to shower and given hygiene kits and clothing. Intake will begin at 4:00 p.m. when the shelter is declared open and by 6:00 p.m. guests will be transported to the shelter.

Volunteer teams will be on site preparing the area and the evening meal. After the meal, guests will be encouraged to clean up and set up the sleeping area on the floor. They will be divided and space provided for ten men and ten women though there will also be rooms available for families with children.

Volunteers will be encouraged to remain as long as they can and interact with the guests in the hopes of learning more about them. Volunteer teams may provide for bible study, reading materials or various type of games, depending on what the individual teams want to do. Lights out will be around 10 p.m. One male and one female volunteer will remain at the shelter at all times with one always awake. Guests will wake up at 6:00 a.m. and after they finish their breakfast, will be out on their own.

He said this is only a band-aid because it is really just overnight to help people get out of the immediate cold situation. Pastor Bowers believes that the program can be used as a tool to transition people from homelessness to housing.

Mr. Pikus said the city supports the program and confirmed this program is for both men and women. Pastor Bowers emphasized they will not turn anyone away. He verified this is only an overnight program and not a permanent fix.

Mr. Pikus is aware of several people in Milford that are homeless adding he is working with Councilwoman Wilson on that issue. He asked if someone that is consistently homeless would be able to return. The pastor said they will be able to return and reiterated this is a small band-aid noting that these people will have to be on their own for the majority of the day. They are trying to address the issue of a family who has children in school as well as transportation issues. That is one of the areas beyond the overnight accommodations.

Another issue is when someone arrives sick or has an emergency situation and must be taken to the doctor or emergency room. They do not have the staff to handle such situations and another unresolved issue at this time.

When asked about other organizations, Pastor said there is a lot of networking going on and they are currently working with the Delaware Coalition. He said they have been talking with the Delaware Department of Social Services who have some reimbursement funding available for this type of program.

Mr. Starling advised his wife is President of the Milford Ministerium and she has really sold this program to their church

family. She has had a meeting and everyone is 100% behind this program.

Pastor Bowers said that even with the initial meeting and follow-up conversations, the key is to get volunteer teams in place. This is a program where the program coordinator will need to make a call to ensure the shelter will be open that evening. That information needs to get to the appropriate persons so that people can respond. There will be some times during the winter when the shelter will be open successive nights, though other times it will be sporadic. He emphasized the heart and soul of this organization will be the volunteer teams.

He said that between the churches and other organizations, they believe they will have coverage for a two-month period though many other things have to come into place. Circle of Light has been in conversation with the police department regarding several of their polices and a number of good relationships are being built up.

Mayor Rogers said that he, along with the city council, Chief Hudson and the city manager are supportive of the program. He personally, was unaware how serious a problem this was in Milford and he is pleased that the Circle of Light and other organizations are willing to help these people and attempt to get them back on their feet.

Mayor Rogers said the city will help in whatever way they can and wished Pastor Bowers and the Circle of Life the very best with this program.

MAUROLAS CONDEMNATION/DEMOLITION HEARING/STATUS

Mayor Rogers asked the city manger to update council on the properties at 205 and 207 Northwest Front Street noting they are a detriment to the improvements being made in the downtown area.

City Manager Baird then provided council with a quick update on the properties on Northwest Front Street and Church Street. The Board of Appeals met last Thursday (11/18/10) and confirmed the condemnation and demolition orders. Following that order, the properties have been re-posted giving the property owners thirty days to demolish the properties. Should that not occur, the city will move forward with the demolition. In anticipation of that, some demolition bids have been acquired. They will be presented to council for approval at the December 13th meeting.

ADJOURN

With no further business, the Workshop Session of City Council concluded at 8:13 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder