

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 27, 2006

The City Council of Milford met in Council Chambers in Workshop Session on Monday evening, March 27, 2006.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch,

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

ALSO: Police Chief Keith Hudson and Recorder/City Clerk Terri Hudson

Mayor Rogers convened the Workshop at 8:37 p.m.

Solid Waste Recycling Program Update

Mr. Carmean noted that he is still discussing the possibility of providing senior citizens a reduced rate through the use of a smaller can. During the budget process it will be considered.

He has no additional information on the recycling program other than the Delaware Solid Waste Authority curbside recycling program is now available to all residents in Delaware. The program offers weekly pick up of separated recyclables curbside. For \$6 per month, Delaware Solid Waste will provide special bins and pick up the specified materials for recycling.

It was confirmed this service is available to Milford residents through the DSWA program.

The recycling bins previously located in the Sav-A-Lot Shopping Center have been moved to the following locations:

\*Milford Commons Shopping Center (Behind Food Lion Supermarket)

\*Marshall Street Location (Entrance of Grizzly's)

Contractor Ordinance Amendment

Mr. Carmean noted this has been reviewed at numerous meetings and he is prepared to proceed as it currently reads.

The City Clerk will advertise it for adoption at the April 10<sup>th</sup> agenda.

Upcoming Events

Delaware League will hold its monthly meeting on Thursday, March 25<sup>th</sup> at the Sheraton in Dover.

The Mayor's Prayer Breakfast is Saturday, April 1<sup>st</sup> at 7:30 a.m. No tickets will be sold at the door.

The monthly SCAT meeting will be held Wednesday, April 5<sup>th</sup> at the Bridgeville Fire Hall.

Electricity

Referring to the number of bodies of water in Milford, Mr. Ambrose asked if a large vertical drop of water was necessary to generate electricity. Considering alternative energy sources such as the green energy program, he asked City Engineer Mark Mallamo if it would be possible to attach something to one of our dams in order to generate a few megawatts of electricity.

Mr. Mallamo explained the elevation may be appropriate but the flow of the river is entirely too small. He gave an example of one in New Martinsville, West Virginia on the Ohio River with a navigational lock and dam. New Martinsville put in a low-head hydro unit to generate power. However, the Ohio River is much larger than the Mispillion River in Milford.

Mr. Carmean noted that DEMEC now has a Green Power program as is required by the state. He recalled a former citizen questioning the City about the State Green Energy Program. A fund must be developed where customers can apply for a grant to do alternative energy projects at their homes. He expects the program to be in place this summer and will provide a copy at an upcoming Council meeting.

A small fee will be added to electric bills as is also required by state law.

Carlisle Fire Company

President Marvin Sharp referred to a recent report about some problems the fire company had experienced with their fund drive due to the company that handled the mailings losing 2,600 names. At the time he spoke with a local television reporter, they were between \$8,000 to \$12,000 behind but are now much closer to their 2005 goal.

In October, they will begin the 2006 fund drive. In the meantime, they will consider alternative companies. Mr. Sharp is attending a 3-day seminar in Indianapolis for this purpose.

Applebees is hosting an event this weekend of which \$5 will be donated to the fire company by each attendee.

On Sunday, April 2<sup>nd</sup> Carlisle Fire Company will host an open house for the public at which time they will be housing some new equipment.

On April 8<sup>th</sup>, the first annual Milford Community Unity Dinner will take place at the fire department at which time the Community Volunteer of the Year will be recognized. Proceeds from the dinner will partially benefit Carlisle Fire Company as well as some other organizations.

When it comes to fundraising, Mr. Sharp indicated that the firefighters no longer have time for dinners, bingo and related activities because they spend their spare time fighting fires now due to the increased number of alarms.

Adjourn

With no further business, the Workshop Session adjourned at 8:58 p.m.

Respectfully submitted,

Terri K. Hudson, CMC

Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 27, 2006

A Public Hearing was scheduled in Council Chambers on Monday evening, March 27, 2006 to hear the annexation proposal of the following properties:

Milford Housing Development Corporation

Tax Map No.: 3-30-15-50.01

Requested Zoning: R-3

Said certain parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, fronting on the northeasterly side of Route 211 (Elks Lodge Road) and southwesterly side of Route 30 (Cedar Creek Road), containing 42.53, more or less.

This action is in response to the request of David W. Moore, President/CEO and Russell Huxtable, Vice President/Secretary on behalf of Milford Housing Development Corporation dated January 6, 2006.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch,

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

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

Mayor Rogers called the Public Hearing to order at 7:03 p.m. and followed with a reading of the legal notice.

David Moore, President/CEO of Milford Housing addressed Council on behalf of the petition.

Mr. Moore explained they have requested an R-3 zone with plans for a mixed income development potentially with single family homes and the possibility of condos and an apartment complex. They are not asking for the maximum density of 600 units but instead for around one third as based on their preliminary site plan.

They plan to provide affordable housing to those with median incomes or less. Mayor Rogers noted that affordable housing is needed and what is being presented appears to be an appropriate number.

When questioned about the units, Mr. Moore reported the preliminary site plan is showing approximately 50 to 60 single family detached homes and a mix of other units for a total of 220 units. They are also considering a possible 48-unit apartment complex and 20 to 25 condos and/or duplexes.

When asked if anyone from the public wished to speak, Patricia Pickering of 20349 Elks Lodge Road spoke. They purchased their property believing the first five lots on Elks Lodge were being planned as the East Gate Farms Subdivision. The development was to consist of 40 to 50 one-acre properties in the rear of her property at a cost of \$300,000 and up. They in good faith bought as part of that development and then the owner sold to Milford Housing.

When she spoke with Mr. Moore, he indicated this would consist of single family, lower median income family homes. That has since been changed to include condos and possible apartments. She is also concerned about traffic and asked about egress and related issues noting an access road is planned beside her home.

Mayor Rogers explained this is just a public hearing and the annexation will not be finalized this evening. The concerns Ms. Pickering is referring to will be addressed at a later site plan.

Ms. Pickering stated that single family homes that would not be a problem, but now apartments and condos are being planned which is not what they were told when they purchased their property.

Mayor Rogers confirmed that Ms. Pickering is not against the project but prefers it remain single family homes.

No one else had any additional comments.

The Plan of Services for the annexation has been submitted to the state and is currently under review. Mayor Rogers advised the final vote will occur once the state review has been completed.

The Public Hearing adjourned at 7:09 p.m.

Respectfully submitted,

Terri K. Hudson, CMC

Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 27, 2006

A Public Hearing was scheduled in Council Chambers on Monday evening, March 27, 2006 to hear the annexation proposal of the following properties:

Wilson Contracting, Inc. & Richard K. Wilson, Sr.

Tax Map No.: 3-30-15-50.02

Proposed Zoning: R-2

Said certain tract, piece and parcel of land, lying and being on the northwesterly side of Fork Road and the northeasterly side of Elks Lodge Road (Route 211), Cedar Creek Hundred, Sussex County, containing 37.48 acres, more or less.

This action is in response to the request of David R. Wilson/Owner of Wilson Contracting, Incorporated and Richard K. Wilson, Jr. dated December 12, 2005.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch,

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

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

Mayor Rogers called the Public Hearing to order at 7:10 p.m. and followed with a reading of the legal notice.

Zac Crouch of Davis, Bowen and Friedel, Incorporated presented the petition on behalf of Lacrosse Homes and Wilson Construction/Richard Wilson.

The property is just south of the Milford Housing Authority parcel. The original request was for an R-3 zone but the Annexation Committee changed the zone and recommended an R-2 zone. Their proposal

calls for 120 to 130 single family lots with no mixed use and the R-2 zone change does not create any issues for the developer.

Mr. Crouch asked the record reflect that they have no problem with the change to the R-2 zone

They are currently in the process of working out some utility issues which will be addressed at the preliminary and final site plan hearings.

Mayor Rogers asked the price range of the homes would be and Mr. Crouch did not have that information explaining they could be comparable with those of Orchard Hill but is unsure at this time.

When asked if anyone from the public wished to speak, Derrick Giuttari of 20369 Elks Lodge Road stated that both of these annexations (Milford Housing) affect their homes.

He asked how their homes, which directly front Country Road 211/Elks Lodge Road, will be impacted by the annexations. He is concerned that the way in which Milford is growing in this direction will affect the private homeowners though he understands their desire to be part of Milford.

Mayor Rogers explained that Mr. Guittari will not be included in annexation unless he requested to do so. The City does not force properties to come in. The requests we get come from property owners and are not solicited by the City.

The City receives the request, is reviewed by the Annexation Committee and the State of Delaware and a public hearing is then scheduled. The surrounding residents are notified of the annexation but that does not mean they are part of the annexation. A final vote of the annexation will take place at a later meeting.

Any development will be addressed at future public hearings. Surrounding property owners will again be notified of the subdivision hearings. The site plan will be posted as part of the Planning Commission agenda.

When asked the differences in the R-2 and R-3 zone, Acting City Planner Liz Brown explained that R-1 is single family homes; R-2 is single family and duplexes; R-3 is single family, duplexes and multi-family units. R-1 is the lowest density, R-2 is a medium density and R-3 can be as high as 16 units per acre. However, Milford has not seen any development even close to that maximum. There are also various uses permitted in each zone some conditional and some permitted. The Milford Housing proposal is five.

Mayor Rogers stated for the record, the highest density we have seen is approximately 7.5 units per acre. They do frown on the highest density allowed because Council takes into consideration the investments made by the surrounding property owners.

The City Manager verified that Hearthstone is at 7.62 units per acre.

Mr. Ellison noted for the record that the City plans to review the zoning ordinance and will consider reducing some of the higher density permitted in the residential zones. Mayor Rogers advised the final vote on this annexation will occur once the State's review has been completed.

With nothing further to discuss, Mayor Rogers adjourned the Public Hearing at 7:18 p.m.

Respectfully submitted,

Terri K. Hudson, CMC

Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 27, 2006

A Public Hearing was scheduled in Council Chambers on Monday evening, February 27, 2006 to hear the annexation proposal of the following properties:

Forest Family Properties, LLC

Tax Map No.: MD-00-182.00-01-15.00-000

Requested Zoning: R-3

Said certain tract, piece and parcel of land, lying and being on the southerly side of Holly Hill Road, beginning 1,800 feet west of State Route 14 (Milford-Harrington Highway) and adjacent to the Norfolk Southern Tracks, located in the Milford Hundred of Kent County, Delaware, consisting of 34.363 acres, more or less.

This action is in response to the request of William E. Forest, duly witnessed, on behalf of Forest Family Properties, LLC, and received in the City Clerk's Office on December 20, 2005.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch,

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

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

Mayor Rogers called the Public Hearing to order at 7:30 p.m. and followed with a reading of the legal notice.

Bob Wood presented the petition on behalf of the developer and owner of the property.

Mr. Wood noted they had the option to develop in the county or do a higher density, taller structure type development. With the industrial property adjacent to this parcel, they felt it was important to buffer with an appropriate product. Around the country, it is very common for different land use types to be considered for development areas. For example, industrial properties or commercial properties are often buffered by a type of medium residential such as townhouse type products. The consumers that purchase townhouses are typically first time buyers and less sensitive to the neighboring properties.

Apartments could be a solution in a similar scenario if they felt an apartment complex was a viable product, However, in this case, they have ruled that possibility out.

In addition, there is a demand for affordable type housing as was determined through research. These are traditional townhouse products and expected to sell at this current market rate of high one hundreds and low two hundreds.

The railroad system runs through the rear of this property and trees buffer the opposite side. The land across the road is currently being used for agricultural purposes.

Acting City Planner Liz Brown noted that the Plan of Services was submitted. In this case, the state has completed its review of the Forest property and has accepted the Plan of Services and is in agreement with its annexation.

Mr. Ellison moved to approve the annexation and adopt the following resolution:

RE: ANNEXATION/LAND OF: Forest Family Properties, LLC

Requested Zoning: R-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City lands located on Holly Hill Road, 1,800 feet west of State Route 14 (Milford-Harrington Road), as described by the attached legal description designated as Exhibit 'A' consisting of 34.363 acres of land, more or less, and having considered the recommendation of the Committee appointed to investigate said annexation, and having held a Public Hearing on March 27, 2006 on said annexation, determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at its meeting held on March 27, 2006 at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Joseph R. Rogers

Mr. Uffner seconded. Motion carried with the following 8-0 unanimous roll call vote:

Mr. Ambrose Yes

Mr. Uffner Yes

Mr. Ellison Yes

Mr. Crouch Yes

Mr. Brooks Yes

Mr. Morrow Yes

Mr. Starling Yes

Ms. Wilson Yes

With nothing further to discuss, Mayor Rogers adjourned the Public Hearing at 7:35 p.m.

Respectfully submitted,

Terri K. Hudson, CMC

Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

March 27, 2006

A Meeting of Milford City Council was held in Council Chambers on Monday evening, March 27, 2006.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch,

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

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

Mayor Rogers called the Council Meeting to order at 7:35 p.m.

Development Issues/Acting City Planner Liz Brown

Ms. Brown gave Council a synopsis of active projects being discussed in Milford. A priority is to address the financial issues associated with the growth and the need to update impact fees based on the new water, sewer and electric facility plans. A number of items are in need of expansion and upgrading. In order to ensure equity, a solid impact fee structure must be in place.

The subdivision and zoning ordinances need to be overhauled. There are many items within those ordinances that are inconsistent. A new residential zone is needed as has been recommended by the Planning Commission which would provide for an intermediate zone allowing for 6 to 8 units per acre compared to the 16 per acre in the R-3 zone.

She suggests we consider another overlay zone. The Planned Unit Development is an overlay zone that needs to be revised in addition to making it suitable for the downtown area. As it is written, there are several discrepancies. There are a lot of mixed use residential and commercial projects that would fit well into the downtown area. We want to ensure the PUD can be applied appropriately in the historic downtown areas as well as the larger projects on the outskirts of Milford.

There are also a couple environmental overlays which should be addressed that will soon be required by state law. One of our larger wells was recently renovated and wellhead protection needs to be done which could also be addressed through an overlay. This would prohibit hazardous waste materials from being stored in areas near the water wells.

The state is also asking local jurisdictions to protect groundwater recharge areas which are locations where groundwater is replenished by water soaking through the ground.

BOCA, the current building code, is extremely outdated. The staff is preparing to upgrade to the International Building Code.

These are just a few tasks the code and planning department is working on.

Mr. Carmean recently met with Growmark, Incorporated to discuss the possible acquisition of their current location on Northeast Front Street. The land consists of approximately four acres that sits on the Mispillion riverbank. The company has outgrown its current office location, created logistical and traffic problems for the surrounding areas, and is at risk for a flood and other environmental matters.

He has suggested a possible amphitheater or some other outdoor attraction or park be considered for the location.

In turn, Growmark has given Mr. Carmean a wish list which includes the possible acquisition of a couple acres in the business park where they could relocate their headquarters. Their other property is located out by Southern States so the business would remain in the City. They have also asked that some of their impact fees be waived at their new facility. They have also considered keeping their headquarters in the present area next to the current service station but further back from the river which would allow room for a walkway to the park.

Mr. Carmean feels that what they have asked for is below the value of the property where the facility is currently located.

Council supported the proposal.

The property owned by them but located on the opposite side of the street is presently under contract by a developer and is being considered for a mix of multiple story commercial sites with residential condos on top.

The old Milford Shopping Center continues to improve with major plans for the parking lot which will include islands with trees and other design features. There are currently no plans for any large anchor stores at that site.

The City Manager noted that at the last Planning Commission hearing, the opinion was the Vreeland Farm, which came in under the C-3 zone, was going to be changed in the Comprehensive Plan. It was further indicated there was another way that Owner/Developer Elmer Fannin would utilize the land because we would not be permitted to later change it.

When Mr. Fannin originally spoke to Council, he was considering a box mall. He later changed those plans with the idea of a mix of smaller stores and associated commercial uses with a lifestyle-type mall. It has since been determined that under the C-3 that is not permitted.

Ms. Brown explained that is one of the zones the City needs to consider. Today's trend is for a traditional neighborhood design which allows a PUD but through a residential mix with commercial uses. Our current PUD only allows a residential mix. A number of requests have been received in the downtown area.

As a result, we need a strictly residential planned unit development overlay as we currently have and another new overlay which would allow the mixed residential and commercial uses. This would better integrate commercial uses into these residential neighborhoods.

There was some confusion over what Ms. Brown was conveying at the meeting with Mr. Fannin thinking the City was changing the zone. Ms. Brown suggested the comprehensive plan be changed in order to allow either the lifestyle mall which would permit the residential units above the stores or a box mall. The planning commissioners were also confused and some thought it was being changed to strictly residential.

Mr. Fannin was present stating they are moving forward with the feasibility of marketing studies. They have had several requests from very large stores interested in being anchor stores. This type of lifestyle mall is being built throughout the country and he has visited several. They have living quarters, parking garages, and other associated uses.

He pointed out it is a commercial use but has added residential features. It is similar to what the current downtown stores that have with apartments above. Presently, Milford's zones do not allow a residential and commercial zone and he agrees a new district is needed to allow this type of blended product.

Ms. Brown said it could be done under the R-2 though that prohibits the larger stores.

Mr. Fannin advised they are moving forward with the lifestyle mall plan.

Ms. Brown explained that currently, the intent of the highway commercial zone, which is normally where the big boxed stores would go, discourages residential uses. The only area that allows a mix is the downtown commercial area which is designated under the C-2 though it is extremely limited permitting a residence only associated with the shop. That worked years ago but does not work in projects with closely integrated commercial/mall uses and residential areas. However, it is a trend that Milford is large enough to handle.

The easiest way to address this is through a PUD overlay that allows commercial (C-3) mixed in with a residential design in addition to some design criteria. This can be addressed in the comprehensive plan now under review.

The City Manager then pointed out a number of problems in the zoning code that have to be addressed. For example, you are not permitted to put a franchise restaurant into a C-2 zone besides a number of other conflicting issues.

Mr. Brooks feels when this mall was presented, it was very clear the intent was to have a lifestyle mall with residential units above the stores and restaurants.

Ms. Brown explained that the comprehensive plan talks about land uses. From that plan, you should select the best ordinance to allow it. That project area is presently shown as commercial. The intent had been for a major commercial area to serve the locality. We have a number of zones that could make it happen. But if we plan to do more integrated residential uses in that area, it should be shown as a mixed use of residential and commercial which should be shown on the comp plan.

The Planning Commission was concerned if it was shown as a mixed use, they wanted the primary use indicated as a commercial area. This was particularly important when considering the 10,000 plus units planned for that area.

She is currently wrapping up the comp plan amendment. When rectifying the zoning ordinance and adding a new overlay, we need to make sure there will be no unintended consequences which would accidentally exclude projects we may want or encourage projects the City does not want. As a result, the entire book needs to be reviewed very carefully.

#### Approval of Consulting Services Agreement/Patrick McCullar

The City Manager used Mr. McCullar as a private consultant in dealing with U.S. Cold Storage on their Economic Development Electric Rate Agreement.

However, Mr. Carmean has requested action on this matter be tabled until he and Mr. McCullar discuss this service with the DEMEC Executive Board to ensure there is no conflict of interest. There are other consultants available though they are not familiar with our Electric Tariff and other services as Mr. McCullar is. Mr. Carmean plans to pay him for the time he has worked and will provide Council with a copy.

#### Adoption of Resolution/Committee Review/Gupta Resolution

Mr. Ellison confirmed this request was received and fees were paid well in advance of this date.

Mr. Morrow moved to adopt the following resolution, seconded by Mr. Brooks:

Reference: Annexation of Lachhman D. & Manjula GUPTA

Tax Map No.(s): MD-00-173.00-01-47.00

MD-00-173.00-01-47.01

MD-00-173.00-01-47.02

MD-00-173.00-01-47.03

Requested Zoning: C-3

Whereas, a Petition, signed by legal property owners and duly witnessed, requesting the annexation into the City of Milford, 5.1 acres of land, lying and being situate in Milford Hundred, Kent County, State of Delaware, located at the Corner of State Route 14 and Church Hill Road, specifically described in the attached legal description designated as Exhibit 'A', 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 Abraham Ellison, Councilwoman Katrina Wilson, Councilman Clifford Crouch, and Planning Commission Chairman Randy Marvel.

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 committee's recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Joseph R. Rogers

Motion carried with no one opposed.

#### Salvation Army/Parking Requirements Waiver

Chuck Hauser of Davis, Bowen and Friedel recalled last November presenting a plan showing an area by the Salvation Army and the Mispillion Riverwalk for the Mispillion Trail Head Improvements. The plan calls for constructing some parking and sectioning off the Salvation Army property. The Salvation Army property presently consists of two pieces separated by a portion of Montgomery Street. Those lands would be traded and with the City benefitting by having additional green space available in addition to obtaining some parking for the trail head.

This trade impacts the parking requirements needed by the Salvation Army. The approximate size of the building is 13,000 square feet and City code requires one parking space for two hundred square feet of building. This calculates to sixty-five parking spaces.

The work proposed in this project would remove an area of paving in the rear and eliminate some parking spaces currently being used by what is actually part of the street system. This results in twenty-three spaces on the Salvation Army lot and another eleven spaces on the City property for a total of thirty-four spaces.

After a review of their parking during various times, Mr. Hauser believes there is an average of fifteen to sixteen cars parked in the lot. He believes this parking would meet their needs. If they did have an overflow situation, the City parking spaces could be used.

In reconfiguring the parking lot, it would be striped so the spaces are actually known. Presently, the vehicles are parked in various areas. There is also parking back by the basketball park which is a concern of Parks and Recreation and the Salvation Army. They are trying to limit that parking during off hours because it is on the Salvation Army property and not City property.

As part of the project, the Salvation Army site would be entirely fenced in which would provide better protection of their property to prevent its use during after hours. They are also considering the area in the rear be gated to prevent people from dropping off items in the middle of the night which they are often later removed as debris.

This would provide the privacy the Salvation Army is in need of while supplying additional parking for the City as part of the improvements to the trail head.

This is the first phase of this project and has been discussed, the Washington Street Pump Station would be removed and the sewage conveyed to Fisher Avenue. Once that is completed, a trail will be connected though they will try to avoid the route of the sewers with work postponed in that area at this time. Once that is done, part of the Riverwalk will be extended and tied into this area. The green area will provide additional open space to the City, while a portion of the sidewalk will be removed with a pad left at the entrance to the basketball court.

Mr. Hauser explained the Salvation Army has requested a letter from the City stating the City is in agreement with the reduced number of parking spaces provided at their site. He felt it was necessary to obtain Council approval.

The City Manager is concerned if the property is sold and the usage changes, there could be a greater parking need.

Acting City Planner Liz Brown advised this is actually a grandfathered, nonconforming use. Normally when properties change hands and the building is upgraded, the building permit process would include reviewing the parking requirements. She agrees that once it is fenced off and the property subdivided, it could end up being a hardship. In all likelihood, any potential buyer would realize the parking was very limited when considering another use.

Mr. Hauser noted a six-foot chain-linked fence around the perimeter of the property is planned. When the gates were open, a vehicle could drive straight through. The access to Cedar Alley would be closed off on one side. Parks and Recreation thought they may still want to utilize the alley in order to allow access. For the most part, there would be no access to the 10-foot wide right of way.

Mr. Ambrose noted that several of the residents still use the alley and confirmed it would remain open on the east side.

Mr. Hauser said that curbing was planned for one end though it could be left open and the pavement tied back in.

Mr. Carmean stated there is a road that runs down the south side of the water plant next to the Salvation Army. There is a great deal of space in that area and the City Manager has promised the City would consider allowing that area be used as an overflow parking area for Milford Library.

Ms. Wilson expressed a concern about the impact on parking for those people using the basketball court. Currently they use the Salvation Army lot though she has not heard any complaints regarding that use. On the occasion of special events, the Salvation Army always agreed to share their parking.

Mr. Hauser pointed out the eleven spaces that will now be provided on City owned land for that use. The Salvation Army had previously expressed concerns about the use of its parking lot particularly in relation to liability issues. In their discussions with the Salvation Army, they agreed to allow continued use of their parking during special events. Their concern involved the day-to-day usage when trash and security issues became a problem which is why they preferred the property be fenced.

A discussion followed regarding this area currently being used for parking by the residents who live in the home next to this parking lot.

Though Ms. Wilson has a number of concerns, Mr. Ambrose feels it may help the parking problems the residents experience in this area.

Mr. Hauser also noted a ten-foot buffer is being added from the existing sidewalk of this home. The intent was to be able to do some future landscaping though that would not be done right away because of budget shortfalls.

Mr. Brooks added that if it does create a problem for those residents, that can be later addressed. Though marking a couple spaces for private parking was considered, it was later agreed it was not necessary.

With no further discussion, Mr. Ambrose moved to waive the parking space requirement at the Salvation Army parking lot, seconded by Mr. Uffner.

Mr. Brooks confirmed that during special events, the gates would be left open to allow for public parking and that eleven parking spaces would be added to the City land for a minimum of thirty-four parking spaces in that area.

Mr. Hauser was unable to provide an exact number of spaces currently available because they are not marked. A part of the parking is on the Montgomery Street right-of-way. However, by reviewing what is currently paved for actual parking, he estimates approximately forty spaces.

It was also suggested the old skateboard park be reopened for parking which would provide additional access to the basketball court. Mr. Carmean said that may also be considered for library parking. There are some security issues that must be addressed at the water plant before any definite plans are made.

Mr. Crouch then asked if the letter granting Salvation Army permission will it apply to the property regardless of its ownership.

Mr. Carmean feels it would remain with the property. Mr. Hauser pointed out the concern was if the property was later sold it would become an unusable piece of property because it did not meet the City parking requirements.

Mr. Hauser added the letter of approval is actually a condition of the land swap.

Motion carried with the following 8-0 unanimous roll call vote:

Mr. Ambrose Yes

Mr. Uffner Yes

Mr. Ellison Yes

Mr. Crouch Yes

Mr. Brooks Yes

Mr. Morrow Yes

Mr. Starling Yes

Ms. Wilson Yes

Ms. Wilson votes yes but asked the record reflect she is concerned with the lack of parking and hopes the City follows through to ensure what has been agreed will accommodate the needs of the special events and the daily activities at the park.

#### Approval of 2006 Voter Registration List

Additional purges were presented to the City Clerk this evening. Therefore, a final list cannot be approved and the matter will be postponed until the April meeting.

#### Enactment of Moratorium

The City Manager apologized for not having a copy of the resolution in the packets for Council to review prior to the meeting. It was finalized a couple hours before the meeting. The State Planning Office was included in the discussions with the Director offered some guidance in its wording.

Mr. Carmean explained that a number of ordinances need to be reviewed, tweaked and corrected. The City Charter is in need of updating in many areas. An experienced City Planner with previous experience needs to be hired to help address and clean up many of these problems.

The intent of the moratorium is to temporarily halt any new applications after its passage for a period of sixty to ninety days unless there is a need to extend it. Any development or application that has been presented with the fees paid will be addressed as normal.

Mayor and Council have the authority to prevent its adoption. However, he feels there is a legitimate need to stop what is coming in and work on what is in the pipeline in order to properly target the zoning problems and eliminate some continuing controversial issues. Additionally, the impact fees need updating though we have not had many volunteers from the public who wish to be part of this committee.

Because the Charter will need to have final approval from the state, it will most likely not be completed before June 30<sup>th</sup>. However, a review and recommendations can be done. A survey is needed to bring the territorial limits up to date. Though there is no guarantee that any of these things will be finalized, this will allow us some extra time to review these issues.

Mayor Rogers agrees it is needed and emphasized it will not impact any application in this system. This is a good step toward revising the documents and addressing these problems.

Mr. Crouch asked if this is enough time to address these many items. Mr. Carmean explained it can be extended particularly if we get a good start and need additional time to complete the tasks. There are a number of applications and annexations already in the pipeline, including the work being done on the comp plan so work will not completely stop during this period of time.

Mayor Rogers noted he has an opening on the Planning Commission that he hopes to address as well.

Mr. Crouch moved to adopt the following resolution, seconded by Mr. Ellison:

A Resolution of the City of Milford, Delaware Enacting a Temporary Moratorium

on the Acceptance and Processing of Applications for Land Use Permits and

Petitions for Annexations in the City of Milford for a period of Sixty to Ninety Days.

Whereas, the City of Milford has experienced a substantial growth rate during the past several years; and

Whereas, a significant number of residential and commercial projects are in the City's planning process or about to be submitted as applications to the City's planning process; and

Whereas, the City of Milford is concerned that annexation and development decisions made without careful and coordinated policy and rationale may compromise the quality of life in Milford; and

Whereas, the City Council desires that all appropriate legislation be in place prior to accepting any new land use applications; and

Whereas, it is justifiable this Moratorium be used to temporarily halt new land development projects while the City Charter, Comprehensive Plan and Land Use Regulations are reviewed.

Now, Therefore, be it Resolved by the City Council of the City of Milford, Delaware that:

Section 1: The City Council of the City of Milford hereby declares a Moratorium on all development applications, plans, subdivisions, rezonings and/or annexations before the Planning Commission and the City Council for a period of sixty to ninety days to allow time to study, assess and possibly amend the City's planning process.

Section 2: The City Council of the City of Milford hereby finds, determines and proclaims this Moratorium is necessary for the immediate preservation of the health, safety and welfare of the citizens of the City of Milford.

Section 3: Any land use application or annexation petition whose processing fee has been paid on or before March 27, 2006 will continue to be considered during this period of time.

Section 4: Any new development applications, plans, subdivisions, rezonings and/or annexations are strictly prohibited and will not be considered for a period of sixty to ninety days.

Section 5: This Moratorium will become effective on March 27, 2006.

Mr. Uffner asked Randy Marvel his perspective, as Chairman of the Planning Commission. Mr. Marvel said that the real estate community does not like to say the 'm' word. His perspective is they do not like it and do not encourage it and are not in favor of it as a general rule. But going back to when Planner Jim Galvin had his accident, they actually discussed the possibility at that time and that perhaps things needed to be stopped in order to get the planning department back on their feet.

He feels what should be considered is where we will be in 60 to 90 days. If we can come out with a planner on board that is up to speed and can get started on some of these other things, he can live with it for 60 to 90 days. The Planning Commission has enough to do with what is in the works and in particular the comp plan. They did have one meeting recently where the comp plan was the only item on the agenda. However, that took the full two hours.

There are several applications that have been started with preliminary and final approvals on upcoming agendas.

Motion carried with the following 8-0 unanimous roll call vote:

Mr. Ambrose Yes

Mr. Uffner Yes

Mr. Ellison Yes

Mr. Crouch Yes

Mr. Brooks Yes

Mr. Morrow Yes

Mr. Starling Yes

Ms. Wilson Yes

The Meeting adjourned at 8:37 p.m.

Respectfully submitted,

Terri K. Hudson, CMC

Recorder