

*MILFORD CITY COUNCIL
MINUTES OF MEETING
September 28, 2009*

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 28, 2009.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Council Meeting to order at 8:15 p.m.

Adoption of Resolution/Fall Clean Up Week

The mayor announced that though this was always done through a council resolution, it was decided to simplify the process and the city manager would handle it operationally.

Mr. Morrow said if that is done, he wants the information currently included in the resolution to still be posted. He thinks adding it to the utility bill does not ensure the information is disseminated to all residents. It should also be included in the city manager's report if that is his preference.

Mr. Baird agreed that an advertisement had already been prepared for the newspapers.

Ms. Wilson suggested that if no resolution is done, it still be on the agenda to ensure councils' awareness in advance of the week.

Mr. Workman moved to adopt the following resolution, seconded by Ms. Wilson:

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Daniel Marabello, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 12, 2009 to October 16, 2009 "Fall Clean-Up Week" in the City of Milford; in the case of inclement weather, "Fall Clean-Up Week" will be extended through October 23, 2009.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 28th day of September 2009.

Motion carried.

Stratman Property

Mr. Spillane asked for an update from the city manager on the Stratman property matter discussed at the last meeting.

Mr. Willard advised that he e-mailed the city manager and informed Mr. Spillane that he had met with Watergate Project Manager, Lincoln Davis. He noted that Mr. Baird had forwarded the e-mail to all members of city council.

He reported that Mr. Davis and he had discussed the 50-foot buffer between the Stratman and city properties in addition to councils' desire to have Ms. Stratman's driveway remain in its original location.

Mr. Willard said that Mr. Davis was very receptive and he expects a revised plan in the near future.

Hearthstone Issue

Mr. Spillane then asked the city manager for an update on the Hearthstone issues. Mr. Baird said that in light of recent events, he had not been able to follow up on the matter. He will discuss it with Mr. Spillane though nothing has been scheduled at this time.

When asked if he could present additional information on October 12th, Mr. Baird said it is unlikely because he will be out of the office the week of October 6th. Mayor Marabello then asked the city manager to provide the update as soon as it is possible.

Adoption of Resolution/Halloween Events

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

WHEREAS, it has been a custom for many years for children and adults to celebrate the Eve of All Saints Day by costuming, masquerading and fun-making; and

WHEREAS, we would like to continue the celebration in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED, I, Daniel Marabello, Mayor of the City of Milford, do hereby request and urge the observance of this annual period as follows:

WEDNESDAY, October 28, 2009 starting at 6:30 p.m. and ending at 9:00 p.m. shall be the time for the Annual Community Parade.

SATURDAY, October 24, 2009 shall be the official date for youngsters to make their annual UNICEF collections to be completed by dark.

SATURDAY, October 31, 2009 shall be the official date for youngsters to observe Halloween Trick or Treat Night.

AND, BE IT FURTHER RESOLVED, that only celebrants of 12 years and under will be permitted to engage in Trick or Treat between the hours of 6:00 p.m. and 8:00 p.m. All celebrants are requested to refrain from committing acts of vandalism or destruction.

Motion carried.

*Extension Request-Preliminary Major Subdivision/Fordmill, LLC (Wexford Subdivision-Formerly Bennetts Ridge)
Extension Request-Preliminary Major Subdivision/Homestead DE, LLC on behalf of R&C Fry Farms, LP*

Due to his absence, the following recommendation from City Planner Gary Norris, dated September 18, 2009, regarding the above requests was included in the council packet:

Wexford:

Regarding Wexford's request for an extension, my recommendation is that a six-month extension be given to the new developers based on your and my discussions regarding developments that have been given extensions for one year and then not meeting the requirements of the Subdivision and Zoning Ordinances in effect at the present. In my opinion six months would be a reasonable extension.

Homestead:

As you recall, we met with the developer of this property and discussed with him the concerns of myself and the Planning Commission. My recommendation would be to approve the request for rezoning and final subdivision approval with the following conditions:

- 1. Reduction in the off street parking requirement for the townhouses and condominium units from 2.5 spaces per unit to 2 spaces per unit because this was approved in the preliminary plan approval.*
- 2. The developer will provide four-sided elevations of the townhouses and condominiums prior to the issuance of any building permits.*
- 3. The developer will provide HOA documents for review by the staff prior to recordation of the subdivision.*
- 4. The developer will meet with City staff regarding the requirement for recreation, both active and passive.*

Mr. Workman recommends council approve the extension request for Homestead which was necessary only because the planning commission did not have a quorum at their previous meeting.

John Tracey, Esquire, was present on behalf of the Fordmill request. He asked council for a one year extension which he pointed out is consistent with the process in similar instances. They hope to accomplish this in six months with another three months needed for recordation though he prefers the one year extension.

Mr. Morrow moved to approve the Request for a One Year Extension of the Preliminary Major Subdivision for Fordmill, LLC, seconded by Ms. Wilson.

It was confirmed by Mr. Tracey this is their second request.

Motion carried by the following 7-1 vote with Mr. Spillane casting the sole dissenting vote based on the reduced amount of parking and the HOA documents not being provided. In addition, he feels additional open space is needed for children to play.

Mr. Morrow moved to approve a six-month extension of the Preliminary Major Subdivision for Homestead DE, LLC on behalf of R&C Fry Farms, LP, seconded by Mr. Workman.

Motion carried by the following 7-1 vote with Mr. Spillane casting the sole dissenting vote based on the parking spaces not meeting the current code.

North Shores Water and Sewer Project

Mr. Baird presented the following memo for council consideration noting his recommendation is to suspend the contract. He stated that DBF was informed to stop the work pending further action by city council:

As you are aware, the City recently awarded an engineering contract to Davis, Bowen & Freetail, Inc. for work associated with the engineering for the extension of the City's water and sewer system to the North Shores neighborhood. The only portion of the project that was approved was the engineering and a final decision to proceed forward with the construction would come at a later date.

On August 26, 2009, Mr. Duplechain from DBF, Mr. Mallamo and I met with the residents of North Shores to provide an overview of the plans and thoughts behind extending services to this area. The meeting was attended by approximately 75 people who voiced opinions both in favor and against the proposal. Some of the major issues raised by the residents were:

- 1. An overwhelming majority of the residents are opposed to annexation either now or in the future.*
- 2. Residents were concerned with the projected impact fee costs of \$2,231/household for water and \$2,646/household for sewer. This cost is in addition to individual costs that would be incurred to connect their existing plumbing to the City's systems.*
- 3. Many residents felt that incentives (waiver of all or portion of impact fees) would be helpful to encourage property owners to connect to the system.*
- 4. Some residents did not like the fact that out of town user fees would be charged at a rate of 150% of those charged to users within the City limits.*
- 5. Residents did like the fact that since they are located outside of the City limits, there was not a mandatory connection requirement once the utilities were installed and they would be able to connect at any time in the future.*
- 6. Concerns were raised about road restoration and making sure the roads would be restored properly since they are not City streets.*

The comment period for residents to respond remained open until September 18, 2009 and the comments received indicated that most people would not be making plans to immediately connect to the system. During this same time, I examined the impact of fiscal incentives on the project and the City to determine what, if anything could be offered as an incentive.

During my brief analysis, it was clear that fiscal incentives were going to be problematic for a number of reasons. First, any waiver of impact fees significantly weakens the financial structure of the project, which was marginal to begin with. Second, the City is placed in a difficult position by offering incentives to property owners located outside of the City limits for projects that are backed by the City's taxpayers. Such incentives could be used on other projects within the City. Finally, based on the comments received, I do not believe the financial incentives would cause a majority of property owners to connect to the systems.

With the financial incentives off the table, I do not see enough users connecting to the system to justify the capital expense of the project. While in the long term, this remains a viable project, the economics of the project will not work for the City in the short-term unless households are connected to the water and sewer system. In conclusion, I recommend City Council not proceed any further with this project and suspend the engineering contract that had been previously awarded.

Mr. Brooks moved to terminate the engineering contract with DBF for the North Shores Water and Sewer Project that was approved on July 13, 2009 and that all costs for services provided thus far be paid from the water and sewer reserve accounts, seconded by Mr. Morrow.

Mr. Workman asked how much will need to be paid; Mr. Baird advised that he received an estimate on the high side, because the numbers had not been received, though it is expected to be around \$70,000.

Motion carried with no one opposed.

Executive Session -

*Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation**

Pursuant to 29 Del.C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed.

Mr. Workman moved to go into Executive Session reference a strategy session involving legal advice and a personnel matter, seconded by Mr. Adkins. Motion carried.

Mayor Marabello recessed the Council Meeting at 8:30 p.m. to go into a Closed Session.

Return to Open Session

City Council returned to Open Session at 9:29 p.m.

Milford v. Key Properties - Hearthstone Easements - West Shores Indemnification

Mr. Adkins moved to accept the West Shores Indemnification and any adjustments that appear to be in the best interest of the city, can be made by the city solicitor, seconded by Mr. Morrow. Motion carried.

Mr. Baird clarified that this motion is in relation to the West Shores-Hearthstone legal matter.

Motion carried with no one opposed.

Planning Commission Appointments

No action taken.

Adjourn

Mr. Workman moved to adjourn the Special Council Meeting, seconded by Mr. Morrow. Motion carried.

Mayor Marabello adjourned the meeting at 9:31 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

September 28, 2009

On Monday, September 28, 2009, a Public Comment Session was scheduled in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

No person(s) signed up to speak.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
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On Monday, September 28, 2009, a Workshop Session of City Council was scheduled in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

Reverend Gregory Nelson/Bethel AME Church/Special Event Announcement

Reverend Nelson was absent, therefore, the Workshop Session was canceled.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
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The Milford City Council held Public Hearings on Monday, September 28, 2009 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Steve Johnson, Michael Spillane, John Workman, Jason Adkins, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor Timothy Willard

Mayor Marabello called the Public Hearing to order at 7:01 p.m.

City Council of the City of Milford held hearings to take public comment and make a final determination on the following matters:

Homestead DE, LLC on behalf of R&C Fry Farms, LP for the final Major Subdivision of 182.29 +/- Acres into 662 lots/1,057 residential units and a Change of Zone from R-3 (131.71 +/- Acres) & C-3 (50.58 +/- Acres) to R-3 (180.11 +/- Acres) & C-3 (2.18 +/- Acres) located on the west side of State Route 15 (Canterbury Road), north of State Route 14 (Milford-Harrington Road) abutting Church Hill Road in Milford, Delaware. Tax Map MD-16-173.00-01-01.00-000.

Due to City Planner Gary Norris being out on leave, Planning Commission Chairman Chuck Rini addressed council. He apologized to the applicant explaining the commission was unable take final action at the September meeting. He noted there were a number of questions at the August meeting, which postponed a final recommendation. However, during that interim, the developer and engineering firm met with City Manager David Baird, City Planner Norris and Mr. Rini to address those issues. They were scheduled to return in September to provide the results of the meetings. Unfortunately, the matter had to be postponed because there was no quorum at their September meeting.

City Manager David Baird explained there are two matters before council on this application. The first is the public hearing and the second issue is an extension request which is shown on the council meeting agenda. He recommends council proceed with the public hearing and obtain comments but not taking any action. If council approves the extension, the application can proceed to the planning commission in October.

Mr. Baird advised the applicant is only requesting a six-month extension based on a final decision by city council no later than December 2009. That time line would allow an additional 90 days for the plan to be recorded.

Mr. Brooks expressed concern that some property owners had not been afforded the opportunity to comment on the application. Mr. Morrow recommended the record be left open for additional comments.

City Solicitor Willard then verified that the extension must be granted by city council which is normally for a one year period. He emphasized the planning commission's recommendation is an important factor in council making a final decision. He agrees the record should be left open though the public hearing can be held tonight.

Chairman Rini then confirmed, with Mr. Willard agreeing, that the public comment session before the planning commission was closed though council was leaving the record open for public comment.

Zach Crouch of Davis, Bowen and Friedel represented the applicant. He confirmed the extension was only requested because a quorum could not be obtained at the last planning commission meeting and though they are asking for six months, he hopes it is resolved prior to that deadline.

Mr. Crouch then provided a brief history on the project. He reported that in January 2006, the plan, which consisted of pods of three units, was presented and recommended by the planning commission. In July 2006, the plan was revised with the pods being changed to villas and duplexes. In September of 2006, the planning commission recommended approval of the conditional use with council granting final approval in October 2006.

He said the plan was designed in accordance with approvals from the government agencies and they are now seeking final subdivision approval. Mr. Crouch noted that in October 2007, they requested the first extension, with another extension granted in October 2008. He noted that if the application had proceeded as scheduled, another extension would not have been necessary.

Mr. Crouch informed council the site consists of 151 single family units, 230 duplex/villa units and 276 townhouse units and 400 condominiums for a total of 1,057 units. Letters of no objections were received from the conservation district and DELDOT. In addition, approvals were received from the city engineer and the fire marshal's office.

He advised the open space is spread throughout the community. They meet the open space requirements, subject to the code at that time. The plan includes a pool, clubhouse, tot lots, gazebos and walking trails throughout the community. There was a condition to include some landscaping along the roadways and a 25-foot buffer around the perimeter.

Mr. Crouch noted the three access points at Route 14, Route 15 and Church Hill Road adding the one at Route 15 intersects Airport via a roundabout. Additionally, there are five stormwater ponds, street trees and sidewalks on both sides of the streets.

Construction is scheduled to begin in spring of 2010.

Mr. Crouch stated that one of the questions by the planning commission was in reference to open space regulations. He reiterated the plan was originally submitted in 2006 though various amendments followed. The last extension was approved in October 2008 and the city's new open space regulations were adopted a month later (November). As a result, the plan was designed based on the regulations in place at that time of the review. The planning commission minutes reflect the project did meet the code in effect at the time of each approval.

During the PUD/conditional use process, two off street parking spaces per unit were approved. There was a question raised about Carlisle Fire Company's comments. Mr. Crouch explained that the plan was submitted to the fire chief more than once. The last submittal was on September 5, 2009. To date, they have not yet received any comments.

They met with Harold Walters, Transportation Director of Milford School District in August of 2009 to discuss the two bus stops. Though they have not yet heard from Mr. Walters, they added a note to the record plan stating two bus stops will be provide as determined by the school district.

Mr. Crouch informed council there was also a concern about four sided renderings. After speaking with City Planner Norris, it was agreed the renderings would be presented at the time of the building permit.

The HOA documents will be submitted prior to recordation; Mr. Crouch said that should council grant final approval of the plan, the HOA documents will be submitted for review by the city manager. The approved documents will also be recorded.

To address the solid waste disposal issue, Mr. Crouch presented a couple of proposals to City Engineer Mark Mallamo. Though he does not know how the site plan will function in relation to the multi-family units, he feels there is adequate space to provide screening for either single containers or a dumpster. A note was added that dumpsters and individual cans will be screened without losing any additional parking spaces. As they move forward with the multi family units, they will continue to work with the city.

The developer will work with the city planner to submit an active amenities plan. Before any building permits are issued,

the plan will still need approval by the planning commission.

Mr. Crouch asked that action be postponed until the next council meeting pending planning commission recommendation. He concluded by saying the city planner prepared a memo and the four items outlined as were discussed by Mr. Crouch.

Mr. Workman confirmed that all agency approval was received.

Mr. Spillane asked how much open space is available for children; he asked if the forty foot buffer zone and stormwater ponds were part of the calculation. Mr. Crouch explained that ponds and wetlands are considered passive open space. He said the data column on the plan showed both active and passive open space of 14.87 acres. He said that active open space for recreational use in the single family and duplexes is 2.81 acres, the townhouses have 2.86 acres and the condos have 3.02 acres. The clubhouse is 0.13, the pool is 0.35 and the tot lot is 0.5 acres. The pool has approximately 2.5 acres of active open space with an additional half acre for the facilities.

When asked about plantings and if there is adequate area for a softball game, Mr. Crouch said the plantings are required around the paths of open space and berms near the entrances. He believes there is enough space for children to play ball. He explained that gazebos will be placed in the townhouse and villa areas. The tot lot is located near the clubhouse and pool. Increasing the number of trees would defeat the purpose of the open space.

Mr. Spillane stated that the open space requirements have since been changed in the code and asked if Mr. Crouch tried to amend the plan to meet the current ordinance. Mr. Crouch said that with all due respect, they received an extension in October and the ordinance was not approved until the following month. At that time, the plan was 90% completed. It was confirmed that the plan met the requirements established in 2006.

Mr. Spillane pointed out the plan was amended in 2008. Mr. Crouch explained that any of the changes made at that time complied with the updated ordinance which was confirmed at a previous meeting.

Mr. Spillane feels the plan should follow the current code. Mr. Crouch said if that was a requirement, the entire plan would need to be scrapped and replaced with a new design.

Mr. Spillane advised that Kent County Levy Court recently adopted a new law requiring 28-foot streets to allow for larger fire apparatus.

When asked about parking, Mr. Crouch stated there is adequate off street parking on each site though he cannot guarantee someone will not park in the street. He noted there is adequate space for driveway parking in the townhouse area and the multi-family units have adequate parking based on the conditional approval.

Mr. Spillane expressed concern about parking on the streets that are more narrow than 28-feet wide in the case of a fire emergency. Mr. Crouch advised that parking is not permitted on the street though that can only be addressed by the police. However, should a vehicle park on a street, there is adequate room for a fire truck to pass. Depending on who does the calculations, there may or may not be a problem if two vehicles are parked adjacent to one another.

Mr. Crouch stated that the downside of a 28-foot wide street is the increased amount of impervious surface. That increases road construction which is a problem DELDOT is experiencing in Kent County. He noted that most developments are encouraging open green areas and increasing street widths will prohibit that. In this case, he feels there is adequate parking for each unit and no parking is permitted in the streets.

Chief Hudson confirmed that though parking will not be permitted on the street, they do not have jurisdiction until the streets are dedicated and accepted by the city. The only exception is handicapped and fire lanes.

Mr. Crouch emphasized the developer/management company wants all issues resolved with the city as soon as possible. The goal is to have the maintenance bond released which is done at the time the city accepts the public areas.

Mayor Marabello then opened the floor to public comment adding that public comment will also be accepted at the October 12th meeting.

Noel Primos, 144 Church Hill Road, stated that when Lacrosse Homes (original developer) was involved, they met with the area residents to discuss their concerns. The new developer has had no contact with the residents. Mr. Crouch stated the developer is Mr. Bolis and because he was under the impression the public hearing would be postponed (based on planning commission's inability to take action) until next month, he was not in attendance. He assured Mr. Primo that Mr. Bolis will attend the next meeting adding that he is confident he would be willing to meet with the residents. Mr. Crouch reported he is a very reputable developer and asked anyone with concerns to go to his website for additional information on the company.

Ms. Wilson suggests that Mr. Crouch takes the concerns back to Mr. Bolis and ask him to communicate with the residents prior to the next meeting. Mr. Crouch reiterated that all the comments and questions from the previous meeting have been addressed. The plan remains the same with the previous recommendations implemented.

Mr. Primos questioned whether the fire marshal had granted approval; Mr. Crouch explained that fire marshal office approval was granted. The planning commission asked that a letter be obtained from the local fire company though he reiterated the plan was sent to them on more than one occasion.

Mr. Primos recalled that Planning Commissioner Marvin Sharp had previously expressed concern about the parking and widths of streets. He also asked if a condition could be added that if the development is stopped mid stream, the development would be cleaned up and not left in the condition that currently exists at Cascades on Airport Road.

Mr. Primos also expressed a concern about the entrance on Church Hill Road noting it is a small and narrow road. With more than one thousands units, he feels that road will not handle the additional traffic. He asked if the Church Hill Road entrance could be eliminated.

Mayor Marabello asked Mr. Spillane to consider giving Mr. Crouch a list of questions so that Mr. Crouch could return with comprehensive answers.

Ms. Patsy Sapp then stated she lives on the corner of the Milford Harrington Road and Church Hill Road at 27 Church Hill Road. She said she has lived there since 1961 and has always walked along the road though it has become more difficult in recent times. If the entrance on Church Hill Road is permitted, she will need a new home because her cesspool is very close to the roadway because of her land being taken over the past few years. She said that she and her late husband were never against development, but at 73 years of age, she will not support progress that causes the loss of her home or prevents her from entering the roadway. Her personal opinion is the project is too large for the area.

Mr. Spillane does not feel that 2 parking spaces in the condo area are adequate considering the current code requires 2.5 spaces. He referenced similar areas in the city with parking problems particular when considering visitor parking. He asked if the plan can be amended to add 2.5 spaces per unit. Mr. Crouch again explained that during the conditional use process, the plan was presented with 2 spaces which was approved by the planning commission and council. Adding a half parking spot for 400 units would mean 200 new parking spaces which would have a tremendous impact.

Mr. Spillane said that in these subdivisions, when parking violations are observed, the police have been called and tickets issued for fire lane violations. It often involves a resident who temporarily uses the space to unload their vehicle because a visitor may be parked in their regular spot.

Mr. Crouch also confirmed the plan includes closed drainage. Mr. Spillane asked if something happens to the pipes, who is responsible. He also asked how the HOA will be managed.

Mr. Crouch said there will be four HOA's under one management. He said it is very common in a large mixed community. The fees are different for each community and are based on the type of housing. Each will have a separate HOA, though

they will all operate under one manager.

Ruth Abbate of 2102 Milford Harrington Highway then asked if there will be a light at the entrance of Route 14 and Church Hill Road; Mr. Crouch explained there will be improvements to the Route 14 and 113 signal as a result of this development.

Ms. Abbate then asked if there will be a roundabout at Route 15 and Church Hill Road similar to the one at the Airport Road. Mr. Crouch verified that as of today, there will be one at Airport Road and Church Hill Road. However, DELDOT has informed them that some of the developments projected in this growth area, which included the proposed subdivision across from Cold Storage, may no longer require the roundabout.

Ms. Abbate said that two bus stops are proposed and a school bus has 60 seats; she feels that is inadequate when compared to the 1,000 units. Mr. Crouch confirmed that is the requirement of the school district.

She then asked how many new police officers will need to be hired. Chief Hudson answered that he does not see a need to add officers at this time and that they have been able to handle the other subdivisions being developed. Ms. Abbate specifically noted the 1,000 units which mean another 3,000 residents.

Mr. Morrow pointed out that four additional officers were hired several years ago in anticipation of the new growth. Ms. Wilson said that though the overall plan is for 1,000 units, that does not mean they will be constructed at once and will most likely occur through a phasing plan as has been done with the other developments.

Ms. Abbate asked the completion date for the construction. Mr. Crouch anticipates that construction will begin in the spring of 2010. He said that no one can predict how long it will take for the entire project though it could take many years. However, the concentration initially will be on the multi-family units which is more suited to today's market. He agreed the overall project will be done in phases noting that the balance of the site will be farmed depending on the manner in which the units are sold.

Valerie Shuler, stated she is currently residing with her mother Patsy Sapp. She also expressed concern about the possibility of widening Church Hill Road. She said the City of Harrington has received approval to run a sewer line down Church Hill Road to Harrington. She asked how that project will be coordinated with any widening the road for traffic. Mr. Crouch said the entrance on Church Hill Road will be further down because the main entrance is off the Airport Road because of the location of the city utilities. However, the work will be coordinated with the county whose project is scheduled for next year. The road widening is required during the later phases of the projects. The sewer main will be completed and operating in advance of that work.

When questioned, Mr. Crouch explained that Church Hill Road will be widened with two 11-foot lanes and two 5-foot shoulders within the current 50-foot right-of-way.

The mayor then advised that any further comment will be heard at the next meeting.

Douglas Annand, PLS on behalf of Joseph Ashley Wolfe for a Final Review and Determination of the Revised Minor Subdivision Plan of .557 +/- Acres into two lots at 18 Delaware Avenue, Milford, Delaware. Present Use Single Family Residential; Proposed Use Single Family Residential; Tax Map 3-30-10.12-11.00; Zone R-1.

The applicant was not present.

The city manager reviewed the application noting its location at the end of Delaware Avenue. The two original lots were combined into one tax parcel by the county. The subdivision request returns the site to the original lot lines.

He noted the planning commission recommended approval by a vote of 6-0 with the following recommendations:

1. The note on the survey stating "Purpose of survey is to create a second tax parcel utilizing original lot line between lots 18 & 20 as new property line" be removed.
2. Sidewalks be installed along Delaware Avenue and Dixie Avenue.

Mr. Workman said there is an extension to the house already facing Dixie Avenue. He asked if the addition will meet the zoning requirements when constructed. Mr. Baird said there appears to be plenty of setback area from the existing carport and shed.

Mr. Workman prefers some additional information to ensure the lot can be sold and not deemed unbuildable at a future date.

Mr. Morrow prefers to see the plot plan though he believes the intent of the applicant was to ensure it would meet the regulations.

The city solicitor recalled that council was not in favor of the first plan presented, therefore, it was divided in another manner. In looking at the site plan presented to planning commission, it appears the proposed footprint is the maximum allowed which is within the setbacks with plenty of room.

Mr. Adkins asked if the city verifies the setbacks which were shown as 25 feet. Mr. Baird explained the surveyors' seal will accurately reflect those numbers. Mr. Willard added that will also be required before a building permit is issued.

Mayor Marabello asked that this matter be postponed for clarification at next month's hearing.

The mayor then opened the floor for public comment; no one responded. As a result, the floor was closed and no additional comments will be accepted. He asked the matter be added to the October workshop/council meeting.

With no additional applications, Mayor Marabello closed the Public Hearings at 8:15 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder