

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 23, 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, November 23, 2009.

PRESIDING: Honorable 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 Tim Willard

Mayor Marabello called the Council Meeting to order at 9:06 p.m.

City Support/Rotary Area Can-Do Too Playground

City Manager Baird informed council this is a follow-up to the presentation made by David Rutt last week. Council was asked to look upon this project favorably by allowing the Rotary Clubs to move forward with the project with the understanding the land at the Silicato Park would be available for this use.

Mr. Brooks confirmed that Mr. Rutt had discussed this with Parks and Recreation Director Gary Emory who approved the project. Mr. Baird stated that is correct adding it blends appropriately with their current and future plans. In addition, there was some land being used from a neighboring property owner (Walker) that would tie into the facility.

Mr. Spillane stated he is in favor of the project, but because a number of recreational uses are being added to the area behind the Boys and Girls Club, he suggests another site in the city be considered. He was particularly interested in a site with more visibility for people traveling through town.

Mr. Baird explained he and Mr. Emory were involved in many discussions and one of the early objectives was to determine the best site for this playground. They looked at various areas along the river, around the schools, as well as this site. Everyone agreed this was the most appropriate and suitable location for this type facility.

Mr. Brooks moved in support of the partnership with the Rotary Clubs for the Can-Do Too Playground and its site at the Silicato Park, as presented, seconded by Mr. Starling.

City Solicitor Willard informed council that he and Mr. Rutt have discussed the spectrum of ownership, license or donation of the land. Once that has been determined, city council will approve the final document.

Motion carried by a unanimous 7-0 roll call vote (Mr. Adkins abstained due to being a member of the Rotary Club).

Adoption of Ordinance 2009-18/Subdivision Code Amendment

An Ordinance to amend the Code of the City of Milford, Chapter 200, thereof, entitled Subdivision of Land, by amending the definition of open Space.

City Solicitor Willard informed council this is still being discussed by the planning commission, along with Ordinance 2009-17.

Mayor Marabello advised any action on this ordinance will be deferred until a final document has been prepared.

Introduction/Ordinance 2009-22/Zoning Code/Billboards Prohibited

Ordinance 2009-22

AN ORDINANCE TO AMEND CHAPTER 230 OF THE MILFORD CODE RELATING TO BILLBOARDS.

The City of Milford hereby ordains as follows:

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning Code.

Section 2.

Amends §230-4, Definitions and Word Usage, by adding 'Billboards' and the following definition:

BILLBOARDS - any sign that advertises any activity or location that is not the tax parcel on which the sign is placed.

Section 3.

Amends §230-24, Permitted and Prohibited Signs, (B), Signs prohibited in all zoning districts, by adding:

(12) Billboards.

Section 4. Amends §230-26, General standards, Sign Chart, by removing 'N/A' and inserting 'Prohibited' and removing 'outdoor advertisement' in the Billboard column as follows:

Zoning District	Types of Signs
	Billboard (outdoor advertisement)
R-1	N/A PROHIBITED
R-2	N/A PROHIBITED
R-3	N/A PROHIBITED
C-1	N/A PROHIBITED
C-2	N/A PROHIBITED
C-3	N/A PROHIBITED
H-1	N/A PROHIBITED
OC-1	N/A PROHIBITED
I-1	N/A PROHIBITED
I-2	N/A PROHIBITED

Section 5. Dates.

Introduction to City Council: 11-23-09

Planning Commission Public Hearing: 12-15-09

City Council Public Hearing & (Projected) Adoption Date: 12-28-09

(Projected) Effective Date: 01-07-10

Solicitor Willard advised this is the official introduction of Ordinance 2009-22. He noted the code has a chart with a billboard section that states 'non-applicable'. In addition, there is no definition of billboard. It is Mr. Willard's understanding that council's intent is to prohibit billboards in the city and this ordinance makes that clear.

Because it is part of the zoning code, public hearings will be scheduled before the planning commission with council taking final action.

Mr. Brooks questioned billboards not being permitted in the city, but recalled some were approved by the Board of Adjustment. Mr. Willard agreed noting the last case involving billboards went before a Justice of the Peace who agreed

the code was clear, but was appealed to the Court of Common Pleas, whose judge felt it was vague and that billboards were not defined. This is a clarification that billboards are not permitted.

Council will see this again at the public hearing at which time a final vote can be taken.

Public Comment Session

Mr. Starling questioned some of the public comments and stated that the presentation earlier should have been on the agenda. Mr. Workman agreed stating it was very informative but should have been on the workshop agenda to allow for additional discussion.

Several comments followed about what was allowed in a workshop and during the public comment session.

News Release-Electric Rates

City Manager Baird referenced a press release distributed today in reference to the city's electric rates. He advised there will be a rate reduction over the next two months (November and December). The PPCA, currently at one cent will be reduced to a negative .675 cents resulting in a \$16.75 per month savings for 1,000 kWh. This was the result of a credit from DEMEC for overpayments made throughout the year that had been collected from customers. This returns that overpayment to our customers.

It was confirmed the rate reduction would apply to all rate classes.

Adjourn

Mr. Morrow moved to adjourn the Council Meeting, seconded by Ms. Wilson. Motion carried.

With no further business, the Council Meeting was adjourned by Mayor Marabello at 9:18 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 23, 2009

The Milford City Council held Public Hearings on Monday, November 23, 2009 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

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

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

Mayor Marabello called the Public Hearing to order at 7:03 p.m.

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

Morris & Ritchie Associates, Incorporated on behalf of Lynnwood Properties, LLC
Final/Major Subdivision/Amberwood
Tax Parcel MD-16-182.00-01-22

City Planner Gary Norris advised the 34.9 acres are off Holly Hill Road, west of State Route 14, adjacent to Baltimore Air Coil. The subdivision request is for 216 townhouses in an R-3 District to be known as Amberwood. He reported that representatives of Baltimore Air Coil were in attendance at the planning commission meeting. The Planning Commission recommended approval of the application by a vote of 8-0, with the following conditions:

1. A Sellers Disclosure statement detailing the existing industrial use on the neighboring property will be required.
2. A separate form, similar to the Sellers Disclosure statement, will be provided to people at the model home(s).
3. The statement detailing the existing industrial use on the neighboring property will be added to the HOA documents.
4. HOA documents will comply with Title 25, Chapter 81 of the Delaware Code.

Mr. Norris confirmed they have met all the requirements.

Mr. Brooks recalled that one of the early concerns was bus shelters for school children.

Charlie Barnett or Morris and Ritchie Associates of New Castle, Delaware was present on behalf of the owner. He noted that also present was Lynn Baker of Amberwood Properties LLC of Dover.

Mr. Barnett stated he spoke with Harold Walters of Milford School District who informed him the school buses would not be entering the development and the children would be picked up at the entrance. He then offered to provide a bus shelter for school children at the front entrance.

Mr. Spillane asked how many parking spaces are included in the plan; Mr. Barnett reported that the required 2.5 spaces per unit equals 540 spaces; they are providing 589 spaces or 49 additional spaces. He explained there are two spaces on each lot in addition to the extra spaces being provided. He then referenced the additional parking areas on the map throughout the site.

Mr. Workman said Mr. Norris had a number of preliminary questions on the application. Norris confirmed that all questions were properly addressed at the DAC meeting.

Mayor Marabello then opened the floor and invited comments from those in the audience who wished to be heard on the matter. No one responded. He then closed the floor to public comment.

The mayor then asked if the bus shelter would be located at the curb or would there be a recessed area. Mr. Barnett

explained the school district transportation official informed them the bus would not pull into the development but would stop on Holly Hill Road for loading and unloading.

When asked if the amount of open space that is usable is less than an acre, Mr. Norris clarified that two tot lots have been provided, each is approximately one acre. This is in addition to open space around the perimeter. Also included in the plan are walking trails which exceed the required open space.

City Solicitor Willard asked if the final site plan contained an industrial notice. Mr. Barnett explained they have provided a note to the city planner via e-mail. Mr. Norris recalled sending the note to Mr. Willard who was satisfied. He said that once the final plans are prepared and prior to them being stamped, he will verify the note has been added.

Mr. Barnett also stated the note will be included in the covenants.

Ms. Wilson moved to approve the Final Major Subdivision of Amberwood, to include the planning commission conditions noted in Planning Commission Resolution PC 09-024:

1. A Sellers Disclosure statement detailing the existing industrial use on the neighboring property will be required.
2. A separate form, similar to the Sellers Disclosure statement, will be provided to people at the model home(s).
3. The statement detailing the existing industrial use on the neighboring property will be added to the HOA documents.
4. HOA documents will comply with Title 25, Chapter 81 of the Delaware Code.

and that a school bus shelter will be provided. Motion seconded by Mr. Starling.

Mr. Spillane referenced the HOA requirement noting the HOA Committee is continuing its work and will meet again on November 24, 2009. He asked if this application can be deferred until the committee completes its work so any new rules can be applied.

Mr. Workman stated that the HOA Committee is work in progress and currently he, as the newly appointed Chairperson, is trying to determine the committees' goals and directions. He recommends council move forward with this application at this time.

City Planner Norris recalled the 4th recommendation of the planning commission that HOA documents comply with Delaware Title 25 - Chapter 81 which provides guidelines for current HOA's.

Planning Commission Chair Chuck Rini added the commission also recommended the documents be copied to Baltimore Air Coil to protect them from any problems with future property owners.

Motion carried by the following 6-1 vote:

Yes-Johnson, Workman, Adkins, Brooks, Starling, Wilson

No-Spillane

Mr. Spillane said he is voting no because the parking should be 2.5 spaces.

The mayor advised, and Mr. Barnett confirmed, the parking exceeds the 2.5 space requirement for the overall neighborhood.

Mr. Spillane then explained the parking spaces are required to be 600 feet from the residence. He is unsure why the extra parking spaces are not closer to the residences.

Adoption of Ordinance 2009-20

City Planner Norris advised the Planning Commission met on October 20, 2009 and voted 7-0 (one abstention) on PC Resolution 2009-27 recommending approval of the application with a C-3 zone. At last week's planning commission, by a vote of 7-0, they recommended approval of Ordinance 2009-20 which would change the zoning from agricultural to C-3.

Civil Engineer Ring Lardner of Davis, Bowen and Friedel, Incorporated of Milford, Delaware presented the application on behalf of the legal owners. Also present, was David Rutt, Nelson Hall's attorney as well as Gary Bolis, Jr. of Bolis Properties.

Mr. Lardner recalled the comp plan being certified by Governor Jack Markell in July 2009. Part of the comp plan was a request by Mr. Hall that this land be included in the future growth area with a C-3 zoning. It was adopted as part of the comp plan update.

Mr. Spillane asked how the completed overpass will impact Route 206/Wilkins Road and asked if there has been a study to determine its effect.

Mr. Lardner explained that DelDOT has performed an area wide study as far as improvements, many of which are twenty years in the future. He noted that DelDOT Planning Director Ralph Reeb is in attendance to provide some additional information later in the meeting.

He said should the annexation proceed and be approved, a site plan will be provided. At that time, a traffic impact study will be performed. That impact study will dictate any other improvements needed in addition to the overpass currently being planned. He concluded by stating they received an unanimous vote in favor of the change of zone by the planning commission.

Mr. Spillane asked for confirmation that some homes on Wilkins Road have been purchased by the state; he also asked if Parcel 405 will be seized by the state as well.

DelDOT Planning Director Ralph Reeb then informed council they have purchased, or are in the process of purchasing four homes at the corner of Route 206 and Route 1. He stated they have no need for the triangular shaped piece. The only point of access will be off Route 30. Any development of that property would require an analysis depending on the proposed use. DelDOT will continue to work with the city planner to determine what can fit and to make sure it is safe.

The mayor opened the floor for comments regarding this application; no one responded so he closed the floor for any further public comment.

Mayor Marabello confirmed the Plan of Services has not been completed so final action cannot be taken this evening. The annexation will be placed on the next agenda with the hope the plan of services will have been accepted by state planning at that time, as was agreed by the city planner.

Ordinance 2009-17/Zoning Code Amendment/Open Space

A FINAL PUBLIC HEARING is scheduled on Monday, November 23, 2009 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2009-17 may be adopted, with or without amendments. The City of Milford hereby ordains as follows:

*ORDINANCE 2009-17**Section 1.*

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning in relation to open space in Garden Apartment and Townhouse Districts and Planned Unit Residential Developments.

Mr. Norris advised the planning commission and city solicitor continue to work diligently to revise the zoning code in relation to open space. The proposed ordinance should be completed at some point in January for council review.

In addition, the subdivision ordinance is also being revised to be consistent with the new open space requirements in the zoning code.

Mr. Willard stated that because this is scheduled for a public hearing, he suggests that any public comment be taken.

Paul Goldstein, 15 West Thrush Drive, Meadows at Shawnee, asked council if they change or adopt an ordinance, does that become effective when it is passed and what happens to what was in place prior and would it become the law for all of Milford and would it impact him if he was builder that wanted to build houses in Milford, or is it just for the future.

Mr. Willard said it depends on how the ordinance is written. Some are written to take effect at a future date and some are written to apply to things that have already taken place. He explained that in land use decisions, it may depend on where a particular application is in the process and whether vested rights have kicked in. If a new ordinance was adopted dealing with open space, unless council made the effective date well into the future, it would become effective immediately and every new application would apply.

Mr. Goldstein asked that when an application comes from the planning board to the council, some places indicate whether it is effective now and in the future or now and changes would happen in the past.

Mr. Willard stated that generally it is now and in the future. He added that subdivisions already developed cannot be made to comply with something that is occurring now.

Mr. Goldstein stated an example, a change to aluminum wiring versus copper wiring, was a safety hazzard and some houses were built and completed and some new houses were planned, would they have to comply with the new ordinance. Mr. Willard said he is handing out a decision recently made where the Supreme Court decided a case dealing with vested rights. They are siding more with the government if the public interest outweighs the expense or burden on the developer, you can reach back. Mr. Willard feels that when this comes up, there will be a normal and effective date which will then apply to new applications for open space.

Mayor Marabello announced he will defer comments until another public hearing can be scheduled once a final draft is developed.

With no further business, Mayor Marabello declared the Public Hearings adjourned at 7:31 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 23, 2009

On Monday, November 23, 2009 the City Council of the City of Milford held a Public Comment Session in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware, prior to the commencement of the official City of Milford Council Meeting in order to allow the public to comment about issues of interest that impact the City of Milford.

PRESIDING: Mayor Daniel Marabello

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

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

Mayor Marabello declared the Public Comment Session open at 7:31 p.m.

Joe Palermo, 5 Misty Vale Court, Meadows at Shawnee, discussed the Key Properties agreement approved by council at the November 9th meeting. He recalled the West Shores litigation created by Key Properties refusing to allow pipes and wiring to be run thru their property and the sign and billboard case which resulted in legal action and court time. He said City Manager Baird recommended approval of the agreement in order to assure the engineering would be done correctly. He feels that if it was not done correctly, the city engineer and inspectors could simply shut the job down. He disagrees with the city providing \$154,900 of taxpayers money to a person who has shown to be unreasonable.

Emmett Venett, 810 N.E. Tenth Street, Woodshaven, President of Greater Woodshaven Civic Association then talked about a recent meeting when some of the traffic impacts to Tenth Street and Route 1 were discussed. Their main concern is the additional traffic that will be generated through the main road of Woodshaven because there is little egress for the hotel and the Lighthouse residential subdivision.

He then presented a number of photos and aerials of the development and State Route 1 and pointed out several safety concerns. The Woodshaven residents believe drivers unfamiliar with the residential area will create a number of problems including speeding in what could potentially turn out to be a thru way for traffic going to New Wharf Road.

Mr. Venett also expressed concern that with the possibility of commercial development on the McColley property and as the Tenth Street intersection is closed, traffic will shift to New Wharf Road. The preference is an elevated roadway or overpass be constructed.

He stated they are not in favor of a commercial endeavor at the McColley land because of the current impact to Tenth Street as a result of the high school, athletic fields, Silicato commercial site and Lighthouse hotel and residential development. He noted the roadway north of the Lighthouse development is one way in; traffic exiting will utilize Carpenter Pit Road and the conversion will be at the Tenth Street/Route 1 intersection.

They believe that as these developments are built, there is the potential for a disaster at and on Tenth Street not only for the Woodshaven children and adults but area residents as well.

Paul Goldstein of 15 West Thrush Drive, Meadows at Shawnee, also discussed the \$154,000 engineering study agreement and asked why the city would put this money up prior to Country Life paying their fair share. He feels if the developer accepts the agreement, the city must ensure it will be protected. He suggests that after the city receives and pays the bill to DBF, we give the bill to country life. If they do not pay the bill, if the contract says there is 12% interest a year, he will sue for not completing the contract because we have not paid the entire \$154,000. All he has to do is pay 12% when he is ready and the city would be out that money for years. He asked how the city can subsidize a builder and asked if this will be done with other builders and other homeowners.

He asked that the city attorney ensure the city is protected before the fact and we get our money back.

Howard Webb, 5536 Cedar Neck Road congratulated council on its generosity referring to the financing of the engineering study of Key Properties Group. He said as an electric user, he has helped fund this city. He pointed out Key Properties does not own the property and only has a contract on it. He said unless the Key Property contract is secured by real estate, he does not feel it is anymore than a good faith contract.

With no additional persons signed up, Mayor Marabello closed the Public Comment Session at 7:48 p.m.

Respectfully submitted,

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

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 23, 2009

The City Council of Milford met in Workshop Session on Monday, November 23, 2009 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Daniel Marabello

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

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

COUNSEL: City Solicitor Tim Willard

Mayor Marabello convened the Workshop Session of City Council at 7:48 p.m.

Transportation Planning-Route 1 Corridor, Ralph Reeb, DeIDOT Director of Planning

DeIDOT Planning Director Reeb provided two power point presentations (see attached). He informed council he was in attendance to discuss what is occurring with State Route 1 and some plans relating to current and future traffic needs.

While working with the City of Milford, Mr. Reeb said there have been a variety of things planned over the years including a crossing at Tenth Street or at Northeast Front Street. He said years ago, a decision was made between the city and DeIDOT that another overpass would be constructed at Front Street. However, there was a fear that if it was built, unexpected development would occur that was not included in the plan.

Mr. Reeb said that during the past year, they have heard from the city, county and Woodshaven and Milford residents that the time has come. They have worked with legislators and his department to accelerate the Tenth Street project to having money for engineering design to start in fiscal year 2012. He added the current plan has \$250,000 to begin the engineering work. He said it is not a complicated interchange because some of the work has already been done and some of the land is already owned by the state. It will be a fairly straight forward design and is scheduled to start in 2012.

In addition, the design of the Thompsonville project, ongoing for a number of years, is close to being finalized. Mr. Reeb advised the design will be finished, right of ways acquired and work will continue with the community to determine when it will be built. He said that a number of accidents have occurred there, but the fact there is a light there allows vehicles to cross the highway, so there is a slight trade off.

Mr. Reeb then referred to the south side of Milford and the Route 30/Wilkins Road intersection which a few years ago was not included in any plans. In working with the city, a decision was made to make it a top priority and he believes the funding is in next year's budget. They believe they know where the design will be and are acquiring four homes on the south side of Wilkins Road. They know approximately where the set of ramps will be but are still in conversations with the developers about how far south the road will go. He referenced the site the city is considering for its elevated storage facility and will continue to refine the design though it is similar to the green design as shown on the drawing.

He explained that in terms of the crossings, the Thompsonville Interchange will be built at some point. The Route 36 Overpass exists today and in the long term, will probably need to be two lengths depending on how the flow of traffic is managed. The Tenth Street Interchange design will be started in 2012. The South Milford Overpass for northbound traffic entering onto Rehoboth Boulevard exists today. Currently there are no plans to remove it. The overpass at Route 36 exists today and is heavily underused but according to Mr. Reeb, does help. The Route 30 Overpass will be built shortly.

He confirmed that there will be a total of six ways to cross Route 1. He stated that though that is good in terms of regional traffic, the challenge is how local traffic moves around. He explained that throughout the state, they have been working with local communities and towns to develop a set of service/frontage roads. They are used by local traffic to stay out of the traffic stream. They want local traffic to remain on local streets and thru traffic on the high type facilities minimizing

the amount of traffic congestion and amount of collisions.

He explained that in the master planning effort with the city, a connection needs to be made to a service road between Route 30 and Route 36 interchanges. He referenced a concept line shown on the drawing and emphasized it is only a concept at this point. Mr. Reeb plans to work with the city planner to determine where and how a connection can be made. He then noted the Route 30 extension into town.

He reported the wetlands in the northeast area restrict construction on various sites. New Wharf Road is extremely low and any connection would need to be made across the front. Because of its low-lying areas, any construction in the rear would not be approved by the Army Corps of Engineers today. He said they are looking for a service road from Thompsonville and noted the area in question.

Mr. Reeb said there is still a lot of land that can be developed in the county and city. The county, city, state and DNREC need to continue to work together to determine how and when it will change.

He then referenced the aerial photograph showing Tenth Street, McColley property, Silicato property and the State of Delaware/NKS site and the current one way in off New Wharf into the Lighthouse area. He said that though it does not always have to be one way in, it can be treated as a two-lane road with a one lane bridge which tends to calm traffic. He pointed out the crossover at Tub Mill is extremely dangerous and DelDOT feels it should be closed and relocated. The set of service roads shown on the plan will be constructed about the same time. The road could then become a two-way road with a two-lane bridge. Or, it can become a two-lane road with a one-way bridge, then back to a two-lane road. According to Mr. Reeb, they are willing to work that out with the city and the county. At this point, that intersection is already difficult and left turns are prohibited.

They have spoken to IG Burton about relocating the crossover further north and channelizing it to make only a clean left turn.

In the meantime, there is residential development planned at the Lighthouse subdivision, the hotel is currently under construction and a school is planned in the near future. With all the money going into major infrastructure, Mr. Reeb feels they would be better off to work collaboratively with the county and city on the timing.

They have considered the extension of the service road to Route 113. During conversations with the school, there was a concern it would make the school situation less secure. He said there are similar circumstances that have been created that do not make the schools less safe. However, the department is aware of the notion that any new exposure is a concern. Their sense is to continue to work with the city to figure out whether, how and when to make the extension. He referenced the athletic field that was built on the end of the property and emphasized the proposed extension is part of the long term plan. He believes there would be value in terms of having the traffic be able to make the connection from Tenth Street to North Walnut/Route 113 without coming down Tenth Street.

Mr. Reeb advised that Mr. McColley has been told from the beginning that they do not want his land developed with a major access on Tenth Street; the major access should be on N.E. Front Street. Their concern is nothing should move forward, in terms of construction, until the service road and Front Street Overpass are completed. He feels that planning and zoning can be done, though that should take a long time. Tenants, financing and a lot of issues need to be addressed before any building is considered. From a planning perspective, it is not a bad idea to consider industrial and commercial uses similar to those that exist in the area.

Mr. Reeb said they are moving as quickly as possible on the Tenth Street overpass. It has gone from nowhere in any plans to starting in 2012. There are currently a number of projects already planned and as their resources have dwindled, they have moved from having consultants develop plans to having more done in house.

He noted the service road is not depicted correctly on the drawing and instead will come out somewhere at the crest of the hill. It will probably run from Route 14/N.E. Front Street and roughly wrap over to Tenth Street and potentially extend out to Route 113. In the meantime, DelDOT will continue to work with Milford on how and when the McColley site develops.

A service road has started along the west side which reaches almost to Tub Mill. Some have questioned why the road cannot extend to the end of the dam and continue. Though Mr. Reeb is not an expert on wetlands or history, and though there may not be a construction reason why it cannot be done, it would change the shape of the dam and impact wetlands. He explained the outfall is right at the road. If this was presented to a group of engineers, they would say it could be done though it would be very costly. It would still be a challenge and whether they want it to happen, the implications need to be considered.

He noted the point the service road would end if extended to Tub Mill. Mr. Reeb did not put it on the map as a question mark because it is too tenuous to him. However, if Milford wants to pursue it, DeIDOT would be willing to work on it.

They did analyze the signage needs and plan to add some directional signs so people will go out and not around the loop.

He said one of the concerns Woodshaven residents had was the ramp as was shown in green. At some point, if Carpenter Pit Road/Calvary Lane becomes the major north/south route from Sussex County, it will have to be widened and become two lanes. However, he is unsure when that would happen.

The mayor then asked if council had any questions.

Mr. Brooks recalled a meeting three to four years ago when the Route 30 overpass was discussed. At that time, it was stated an overpass took five years to complete; Mr. Reeb agreed. Mr. Brooks clarified that if the Front Street Overpass does not begin until 2012, it will not be completed until at least 2017.

Mr. Reeb explained this is a different arrangement because it usually begins on a project list once they recognize a problem. The first thing they do is inform the neighborhood they are trying to fix the problem and ask for opinions. Second, they provide options to fix the problem and one of those options is an overpass. That conversation, referred to as project development, lasts approximately eighteen months. If it is agreed to proceed, the guarantee of money is needed which is typically made part of the next budget. For the last fifteen years, DeIDOT has not had any extra money and there have been many more projects than available funding. Typically, it takes another year to go through the funding cycle and another year to design a simple project, two years for a complicated project and one or two construction seasons to build it. The fastest it has taken is five years, though the more likely time is seven years.

Mr. Reeb further explained this is not the normal arrangement. They have been working with the city for a much longer period of time and the city has asked the department to move on it as fast as possible. It was then put into the design schedule. They are now working with the community to minimize the negative impact and determine how to keep the bridge as far away as possible from the houses on New Wharf Road. They are also trying to avoid a significant impact to Hitchens Tire though Mr. Reeb feels is going to be difficult.

He said the biggest issue is the funding for construction which he needs the town to support the funding for the construction. If the town does not make it clear it is needed, there are other people needing those same dollars in their town.

Mr. Reeb thinks the only properties they will need to acquire is a chunk of the farm on New Wharf Road and a piece of Hitchens Tire. Both are aware this is happening though time is still needed to address those issues. Though he is unsure of the exact estimate, it typically runs between \$15 and \$20 million.

Mr. Brooks asked for Mr. Reeb to repeat his feelings on the development of the McColley property; Mr. Reeb said that from his perspective the zoning is not the issue because it really does nothing. However, it will set the stage and provide a collective sense of what the town is planning in the future. The intersections are already handling as much as they can. The plan is to close off part of the Tenth Street intersection and prohibit vehicles from going straight across though they will be able to go west. Eastbound traffic will be a right turn out.

He feels that what is being planned at the 15-acre site can be accommodated. The trucks will come down and use Route 36. They have agreed to that and DeIDOT fully intends to hold them to that. The challenge is the 90-acre site. The work involved of getting through a zoning process, a plan for the subdivision, finding tenants along with other challenges will

be difficult.

Mr. Reeb stated they are very concerned that tenants will start to move onto the site thus generating more traffic at the surrounding intersections until it is operable.

He also confirmed a service road will extend from Tenth Street to Front Street to accommodate the commercial/industrial uses along Route 1. Mr. Reeb explained that Mr. Silicato does not need the extension for his property to work because he has rights in/rights out in two areas.

He said that from their perspective, this service road needs to be built to accommodate whatever happens there. His preference is the service road be constructed as quickly and reasonably possible. However, the south portion does not have to happen to safely accommodate the other sites being developed.

Mr. Brooks estimates that once the school, church and hotel are built in the Lighthouse development, another one thousand vehicles will use the access road. If the road remains one way, the traffic will use Tenth Street and exit or enter via that intersection. That is in addition to the traffic from football games (he estimates 600 - 700 vehicles) and other school events who use that intersection on a regular basis.

He feels the Tenth Street intersection is as dangerous as the Thompsonville intersection. Mr. Brooks also questioned the Tenth Street route that emergency vehicles use to access Woodshaven, Route 1 and the northeast part of Milford. Because time is of the essence in an emergency, fire trucks and police cars will need another route. Another concern is the additional turns and u-turns that will be required to get into Woodshaven which will take more time.

Mr. Reeb explained that currently, the fire trucks have to stop on Route 1. He said that generally speaking, the right turn out and left turn in is safer and faster than trying to cross Route 1. Though it may not always be the case, it will certainly be the case in the summer and possibly not in the winter and not in the middle of the night. DelDOT knows it needs to be completed and are working on when and how to get it done.

He agrees with Mr. Brooks particularly about the football traffic situation. They will continue to work with the city, county and school district. He explained they will only close the ability to cross Route 1 onto Tenth Street west of Route 1. Vehicles exiting the west side of Tenth Street into Woodshaven will be permitted.

Mr. Brooks recalled that at a DelDOT workshop approximately a year ago, it was stated that when the Thompsonville exchange was built, a road would run directly to the overpass. Mr. Reeb agreed it could happen though they are unsure exactly the best way to do it.

It was agreed that the timing of these issues are vital; Mr. Reeb said they plan to work with the city and the county as the development plans unfold. He explained there is one property that will need to be purchased though conversations have not begun at this point.

Mr. Reeb pointed out the Thompsonville project was planned until a number of people got involved and asked it be halted while a number of other projects were addressed. He said the traffic light there allows a break for drivers to cross the highway.

Mr. Adkins asked Mr. Reeb if once the Lighthouse subdivision is fully developed and the crossover closed, does he feel drivers will use the service road to cut through Woodshaven to go south. Mr. Reeb believes that the north side of the subdivision will be used as well as the Thompsonville overpass.

He said the challenge will be what kinds of modifications are needed to the Lighthouse road to encourage its use. Mr. Reeb plans to work with Woodshaven residents to determine the best approach. Part of the issue is time and how fast the subdivision will build and how quickly the Northeast Front and Tenth Street intersections will need to be adjusted. He agrees that some drivers leaving the Lighthouse project will go through Woodshaven and exit at the Northeast Front Street overpass.

He noted that one of the reasons the overpass was not built at Tenth Street fifteen years ago was because traffic would dump right into Woodshaven.

Mr. Workman agrees the city needs to work closely with DelDOT and vice versa. He said the hope is that when a six-lane highway is planned, the existing properties around should not be destroyed. He said if Milford decides to do something with the McColley property, will DelDOT give their approval and confirm the traffic study shows no problems. His opinion is DelDOT does not appear to give any negative feedback though there is often a negative impact.

Mr. Reeb explained that generally speaking and in every case he can think of, they do everything possible to work with the local government to try to get done what they want done mostly through the implementation of their comprehensive plan. He said they have a comprehensive plan they understand and have helped the town to create. He feels it is fairly easy for them to include in their recommendations to any developer or property owners, the pieces they collectively need to have built and when. Not that he is highly recommending anything with respect to the McColley property, but he has spoken with different people to work on a property in support of economic development for the City of Milford. He is saying they are not discussing the issue of zoning. If the town wants to rezone the property, that is fine. But the discussion about when and how it develops, they want to very much be a part of.

Mr. Reeb stated he has told Mr. McColley they cannot imagine how they could permit additional traffic from the property before the overpass is constructed. He is not saying that absolutely nothing should happen there, but noted there is a huge difference between 15 acres and 90 acres. On those 90 acres, DelDOT will continue to work with the city as they have to figure out what the traffic generation will be and how it will work. But they are thinking that not much can happen before it is built.

He stated with that said, someone may come back tomorrow with an economic development idea and suggest for example, turning it into an electronic data storage facility with two twelve-hour shifts with eight people on each shift. He will need to come back and talk with the city because they would probably favor such a project which would generate very little traffic. A similar situation occurred in New Castle County when a person was proposing to put shops and townhouses on a property along Route 1 but instead, a data warehouse was built. That facility generated only 24 to 25 trips a day.

Mr. Reeb explained that his colleagues, who perform the traffic impact studies, work with the town. His departments' job is to protect the safe and smooth flow of traffic especially along state roads. They do not have much jurisdiction in the city, though they will work with the city if a street is a city road. On the other hand, Route 1 is a state road. Collectively, the concern is the two entrances of which one is on a state road. Their sense is until the overpass is constructed, they are unwilling to accept additional traffic through the intersection.

Ms. Wilson said she is in agreement with Mr. Workman. DelDOT's job is to give their best recommendation and councils' job is to have as many facts as possible before something is approved or denied. If Mr. Reeb is giving council some pretty concrete information, it will give council a much clearer perspective and defined way to say yes or no. She thinks council needs to make a decision based on facts. She added that the city planner also gives his presentation based on the facts.

She feels the presentation was helpful though there is still some uncertainty. However, she better understands the importance of the service road and its need for that development.

Mr. Reeb agreed that is the dilemma with planning; it is very difficult to look at a map where half of the land is available. He said there are huge chunks of land north still available though some of the area is wetlands and unbuildable. The challenge has always been to get the timing and zoning right and figure out how to size things. Many people believe that building an overpass brings new development to that area. Then it becomes a safety issue which is usually the deciding factor.

When questioned by Mr. Spillane, Mr. Reeb confirmed the service road will be built. They know approximately where it will go and have spoken with the property owners. The service road must be connected from where it comes off Route 1 over to Route 14 which will be the on/off ramp for that side of the road. The other one will be constructed though they have not yet finalized those plans.

He feels it will be a great way to access sporting events, graduations and other activities at the high school. However, getting vehicles in and around will be the challenge. Bringing them in the back way will relieve a lot of congestion.

Mr. Reeb said that to fix some of the problem, a left turn lane will need to be created. There was no way to do that without taking out a piece of the shop/building on the corner of Tenth and Walnut Street though it will be expensive and disruptive to businesses. But when the time is right, that may be the right choice. When working with the school, they tried to make the entrance at the back work. He hopes it will though he is still concerned about traffic on Tenth Street.

Mr. Johnson asked if it will be possible to access the service road from the proposed shopping area in the 90 acres; Mr. Reeb said that is what they have told the McColleys all along. If it develops, they are expected to participate in the cost of constructing the road because that will be their access. They may have another access point which could be worked out. But they have heard a number of uses being considered for the property. Their preference in working with communities is to say this will be commercial, industrial or residential. They are able to anticipate in the comprehensive plan where a service road might go, but in this case, they are working with everyone involved to figure whether, where and how to put in an entrance. Mr. Reeb feels it is very clear where the road needs to come out, which will be the primary access. How that is done still needs to be designed though he feels it is clear where it should go.

Mr. Morrow arrived at this time.

Mr. Brooks asked for clarification on the service road/main entrance. Mr. Reeb explained the location of the service road will be slightly west of where it is shown on the driveway. He said it has not been determined if another entrance will be added. That decision will be affected by a number of factors.

Mr. Workman asked how much impact a municipality has on DelDOT's decision; Mr. Reeb answered a great deal and typically between 90 and 100%. As an example, the decision DelDOT made to prevent traffic from going straight across. Mr. Reeb explained that these decisions are based on engineering facts because Milford does not bear the liability for what happens on Route 1. Instead, the people that sign off on the plans do. However, the department listens to the opinions and concerns of the town and residents which have an impact on their decisions.

Mr. Spillane referenced the Route 206/30 area. He said that once development starts and is completed, traffic will be exiting the ramps and overpass and entering onto secondary roads that need work. He asked how soon improvements are planned for the Cedar Creek Road/Wilkins Road area. Mr. Reeb said that neither of the roads are scheduled for widening.

Mr. Spillane referenced new residential developments that have been approved and asked how the additional traffic will exit onto Route 1. His concern is the roads are not up to standard and inappropriate for this additional traffic. Mr. Reeb could not recall the traffic impact study from those developments. Mr. Spillane does not believe one was done.

Mr. Spillane then referenced the 405 parcel and asked for confirmation that nothing will be allowed off Route 1; Mr. Reeb agreed. When asked about Route 206, Mr. Reeb explained that it will not be possible to exit from Route 206. Mr. Spillane then asked about Route 30 Extension/Rehoboth Boulevard; Mr. Reeb answered that will be the only place.

Mr. Spillane expressed further concern about the roadway conditions and traffic flow. Mr. Reeb agreed noting that he is unable to say whether or not that parcel will be developed though something creative could be added that would not produce many trips. He referenced an existing driveway though they do not need that parcel for the overpass project. Before anything is developed, the department will continue to discuss the master plan in that area in order to get a better understanding of the roadways. Anything that occurs will result in the developer making improvements to get on the property and the surrounding roads.

He added that at this point, nothing major was needed on those roads. The overpass itself, does not change anything other than give people the ability to go around by lifting themselves up over the traffic. Mr. Reeb explained most of the flow is up Route 30 and around the proposed ramp.

Mr. Spillane asked if when the overpass/ramp is built, will it create more flooding. He informed Mr. Reeb of the problem on Wilkins Road and the continuous problem at the entrance area into Hearthstone. Though he is trying to get that repaired,

they have indicated to him the state did not build the road right. However, he feels it is not the fault of the state, but the person(s) that built around it. He believes this will cause even more drainage problems.

Mr. Reeb agreed they are supposed to manage the runoff associated with the project on site and should not make the situation worse. However, that does not mean that after the project is complete, when an adjacent field becomes flooded after a six-inch rain, that does not prevent that water from washing across the road. He said it is not necessarily associated with that directly. If so, someone made a mistake with stormwater calculations. The stormwater must be managed either within the project or through some type of outfall. In this case, the tidal tributaries are actually too far away. But where there is a tribal tributary, you can manage for quality. Then the quantity runs off and downstream with the tide. In this case, he expects it will be managed for both though he is unsure of the exact details.

Mayor Marabello thanked Mr. Reeb for taking time out of his schedule to attend the council meeting.

Purpose of HOA Committee

At the previous meeting, Mr. Workman recalled asking council to consider the direction and goals of the HOA Committee. He does not feel council has provided any specifics as to what is expected at the time the committee was appointed. As the new chair, he asked for input from council in order to meet councils' goal.

Mr. Brooks said he believes the committee needs to discuss the problems HOA's have experienced, learn from them to prevent them from recurring.

Mr. Adkins personally feels the city should not be involved with HOA's. He feels the committee was a good way to allow the homeowners' to voice their concerns and issues. However, he does not feel it would be appropriate for the city to determine at what point/percentage a developer would relinquish power to the HOA. He believes that defeats the purpose of an HOA which is a self-governing body. He suggests that perhaps a rule be established to require certain information be disclosed to potential homebuyers.

Mr. Morrow looks at it as a communications tool. He agrees that if there are problems, they need to be identified in order to avoid the same problems in future developments. It should allow the HOA's and the city to have an open dialogue though he does not believe the city has the legal right to actually govern an HOA. He believes we can work together and coexist which is why there is a need for good communication. He does not see a need for monthly meetings, though a meeting can be called if a problem occurs.

Ms. Wilson said that has always been her position and she voiced that from the beginning. She also does not believe the city should have a role as far as making rules. She does not believe the city has the legal right to dictate what an HOA does. She has no problem with a council person being a liaison for the HOA's. In turn, that council person would communicate those problems/issues to the city solicitor or state to resolve the matter.

Mayor Marabello feels one of the main jobs of the HOA's is to make sure their retention ponds are maintained properly. He asked what happens if the money has not been put in reserves and is not available for proper maintenance. He asked if the city would then take over the maintenance of the retention pond by default.

Ms. Wilson feels the HOA members would go to the HOA Board; the mayor asked what happens if they are not doing their job. Mr. Adkins pointed out that argument could be made with any private property in his opinion.

The mayor asked if adding some safeguards to ensure the money is there would prevent the city from picking up the responsibility. Mr. Adkins said that is why there are specific HOA rules and policies.

The mayor asked if the city will front the money if the HOA has no funds and the work is required. He asked if some type of bond should be required.

Mr. Spillane explained there are a number of inactive HOA's where there are no appointed boards or dues being paid. When that happens, the HOA's have folded and eventually, without inspections and maintenance, the ponds end up with

nuisance odors, insects and mosquitos. When the residents call the city for help, they are told to contact their HOA though they do not exist. He asked if the city needs to sue the members of that HOA to try to force them to reestablish the HOA emphasizing that by that point, no one wants to be involved.

Mr. Spillane feels it will eventually fall back on the city to fix the ponds. It was his opinion these type issues are what needed to be addressed. He said there are many problems with HOA's in other towns and in the counties.

Mr. Workman recommends that clear policies/rules be added to the code regarding HOA's so that developers understand what needs to be done before any building occurs. He agrees the city should not be writing the HOA rules for each development. However, potential homeowners should be aware of the HOA restrictions before any sale agreements are signed. Mayor Marabello said the State of Delaware requires that.

Mr. Spillane also pointed out that condo homeowners pay both an HOA and condo fee. The outside of the condos are maintained by the HOA. If no one pays dues and the buildings begin to deteriorate, that will eventually fall back on the city.

Mr. Morrow noted there has been a great deal of discussion by state legislators on how to handle HOA's. He suggests the committee consider any related laws or potential legislation. He stated that perhaps many of the issues being discussed by the committee are regulations being considered as state law.

Mr. Adkins pointed out that if there is an unsafe drainage pond, similar to any unsafe private residence, it is a code issue. The building inspector/code official would then require it be corrected. If it is not taken care of, the city would end up assessing that property. As a result, he does not understand how it would end up costing Milford's taxpayers.

Mr. Spillane asked who will pay for the repair in that case; the city would still need to fix the problem at their expense. After it was repaired, they could then try to sue the members of the HOA. Mr. Adkins believes you would assess it through city taxes.

Mr. Workman thanked council for the comments stating he has a better understanding of where the committee should go.

City Solicitor Willard then recalled the brief ordinance he drafted. He said the subdivision code does not require HOA's though it is something the planning director requires for major subdivisions. He recalled Andy Taylor, who is the lead attorney for Delaware Realtors, addressing the committee.

Mr. Willard said the bill Mr. Morrow is referring to addresses some of the concerns. Normally, the free market would encourage HOA's with restrictive covenants which would benefit the owner because he could sell that. However, as they have gotten bigger and more complicated, some times the owner has walked away from it. The new legislation addresses some of the issues very aggressively including the up front notice to homebuyers.

The solicitor recommended the committee deal with some of the waivers in that ordinance. Mr. Taylor informed Mr. Willard that is permissible. For example, if the state statute allows something not be done if there are less than fifty units, and fifty units may be considerable for Milford, then Milford would require it.

At a minimum, Mr. Willard suggests an HOA be required for final site plan for major subdivisions. He also agrees with Mr. Adkins that requiring a specific percentage for HOA turnover is not advisable.

With no further business, the Workshop Session of Council concluded at 9:06 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

Delaware Department of Transportation

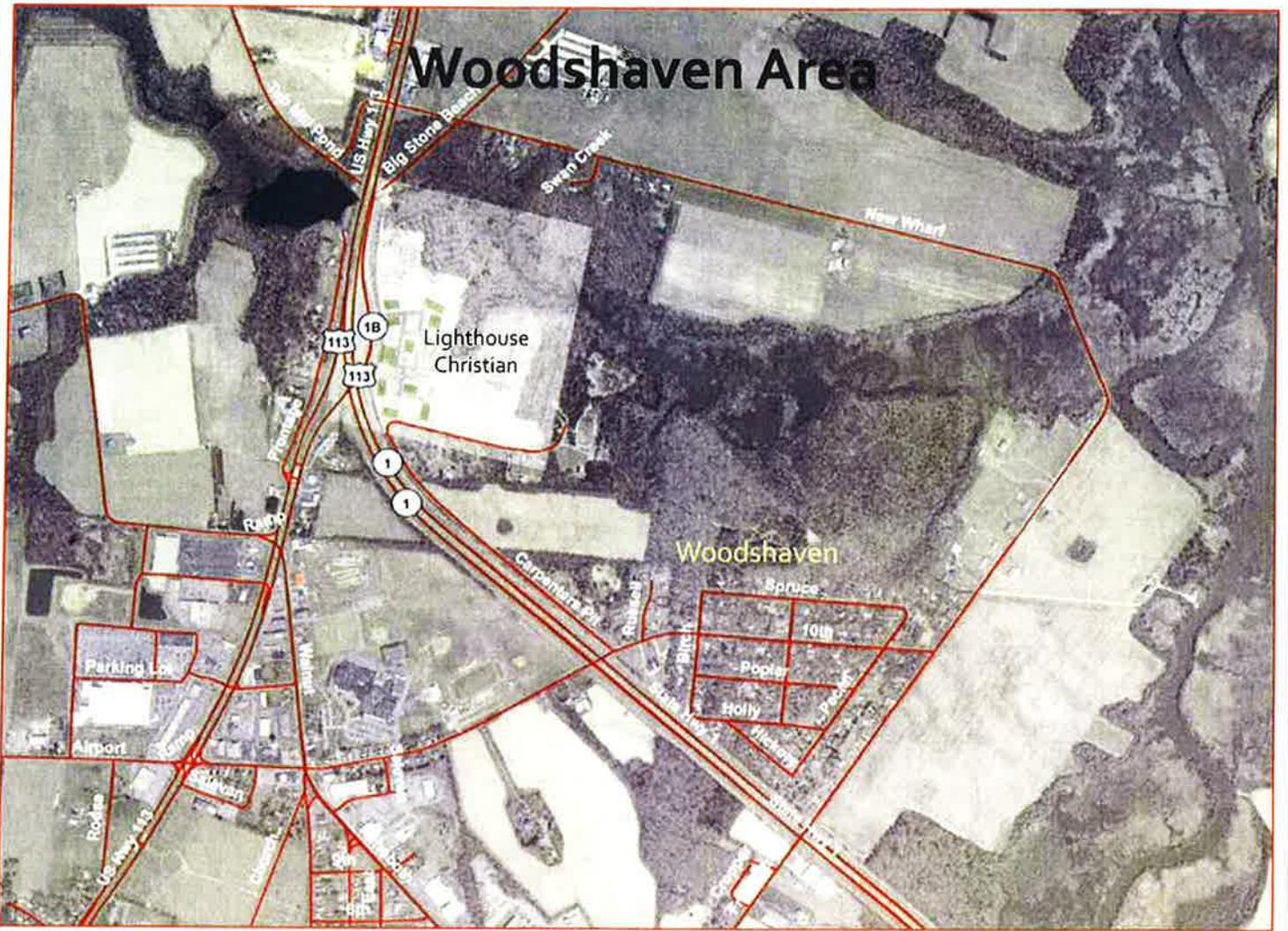
MILFORD AREA IMPROVEMENTS

10/6/09

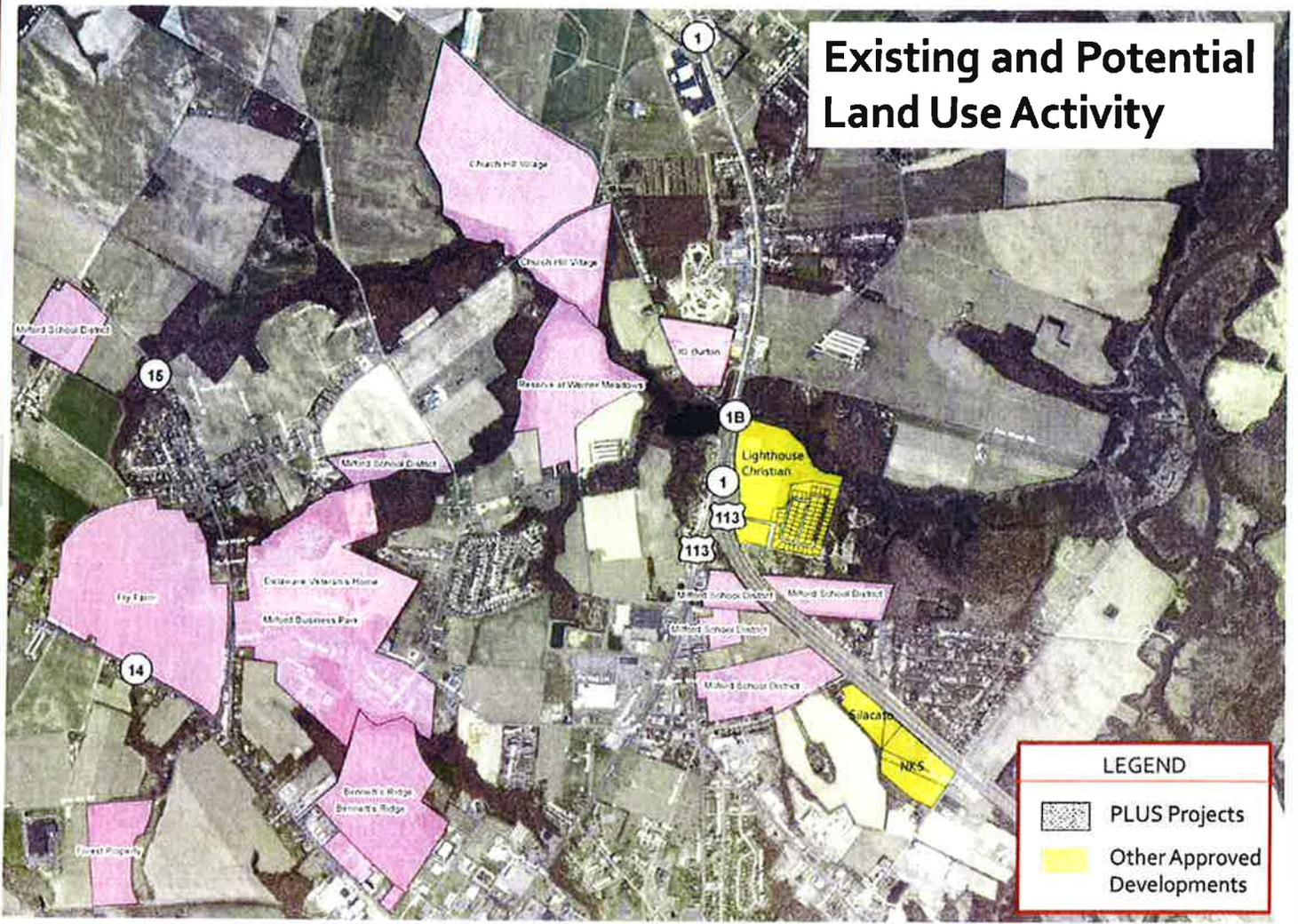
Milford Area Improvements

- Plans cover 20-30 years
- Goal – Reduce conflict points created by turning movements
- Actions:
 - Bridge @ SR 1 / SR 30
 - Bridge @ SR 1 / Thompsonville Rd
 - Bridge @ SR 1 / Front St
 - Crossover relocation / redesign
 - Rest of service road in east

Woodshaven Area



Existing and Potential Land Use Activity

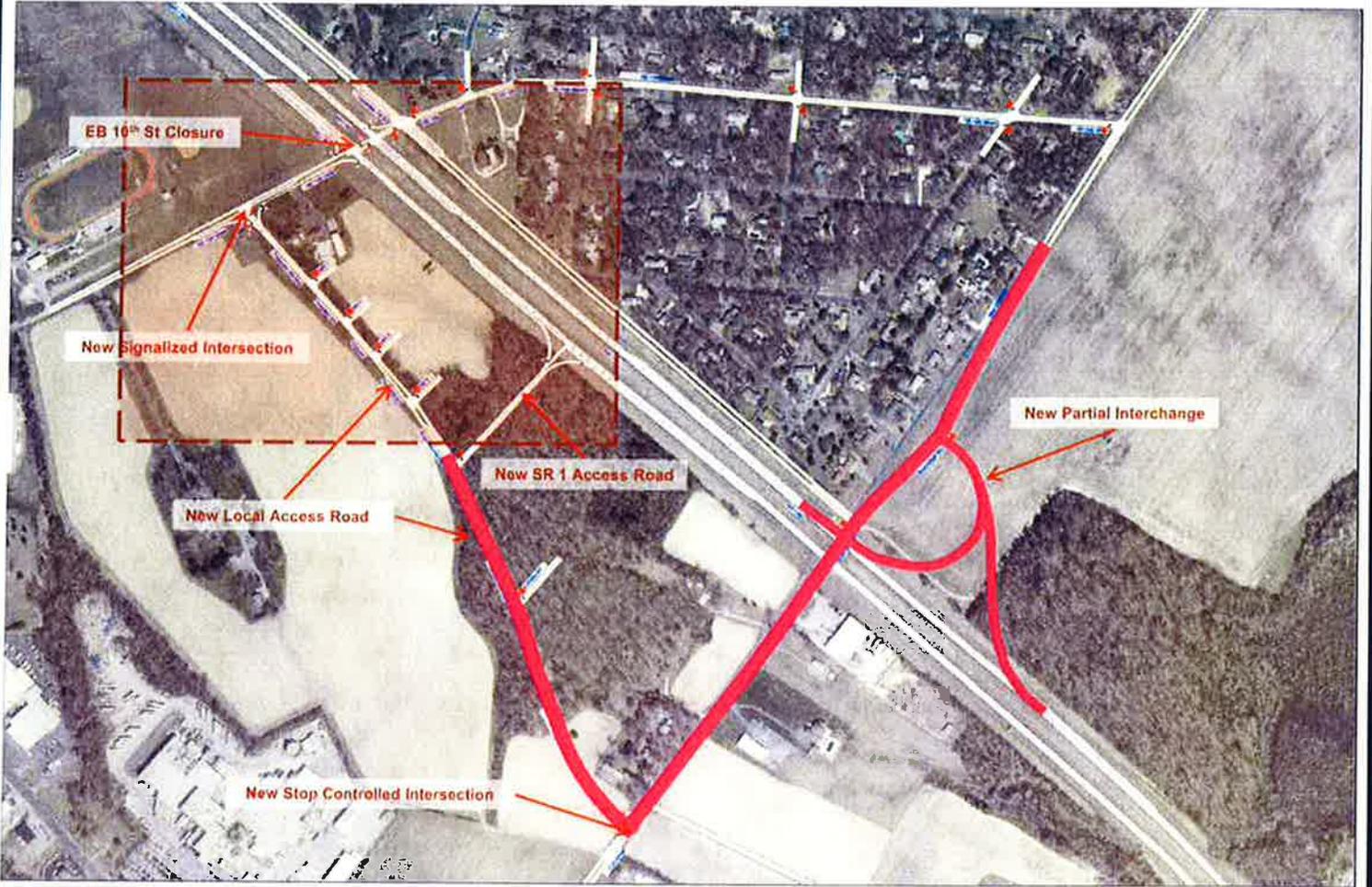


LEGEND

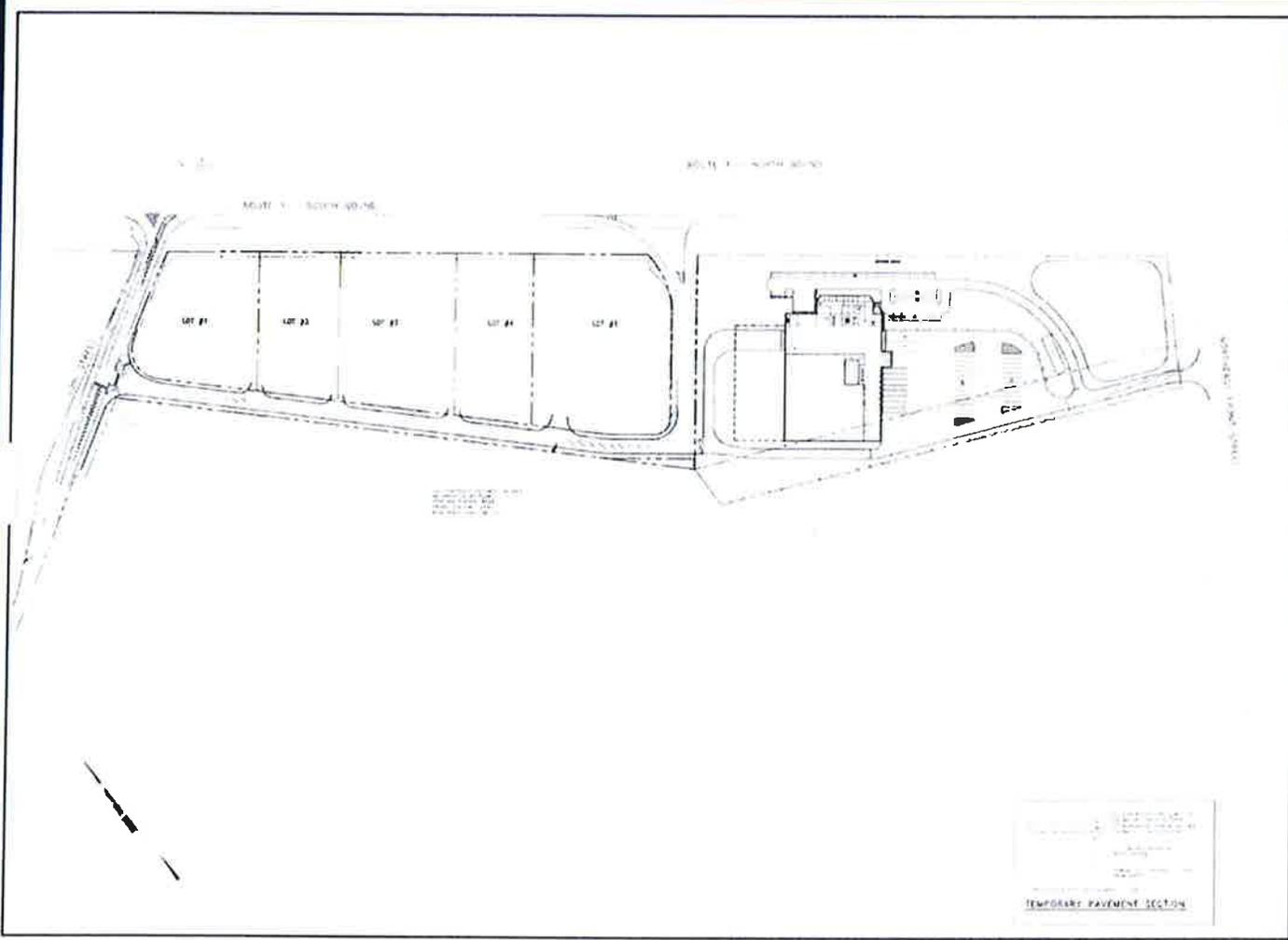
-  PLUS Projects
-  Other Approved Developments

Milford Area Improvements

Study Area - South



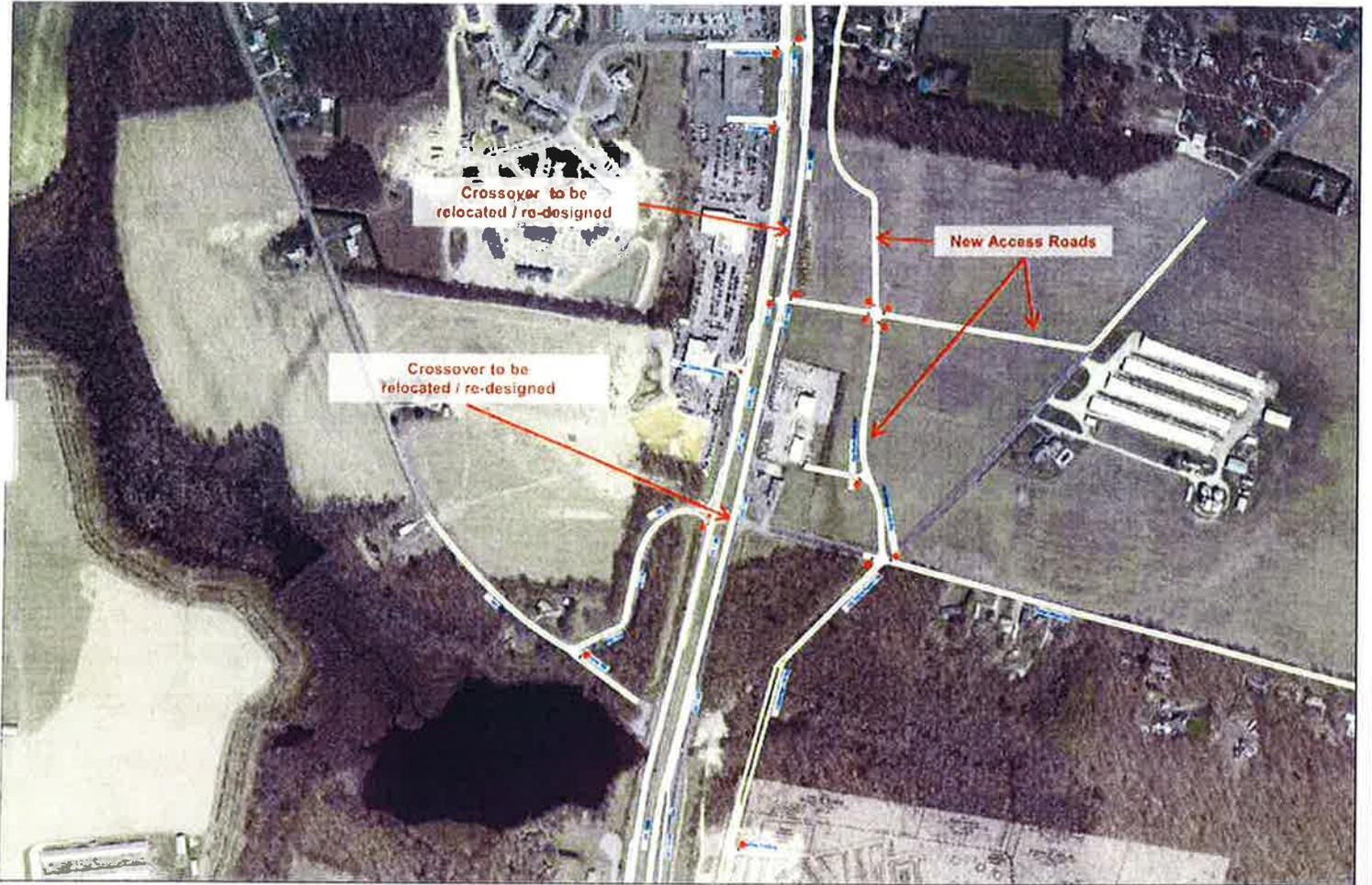
DelDOT Division of Planning



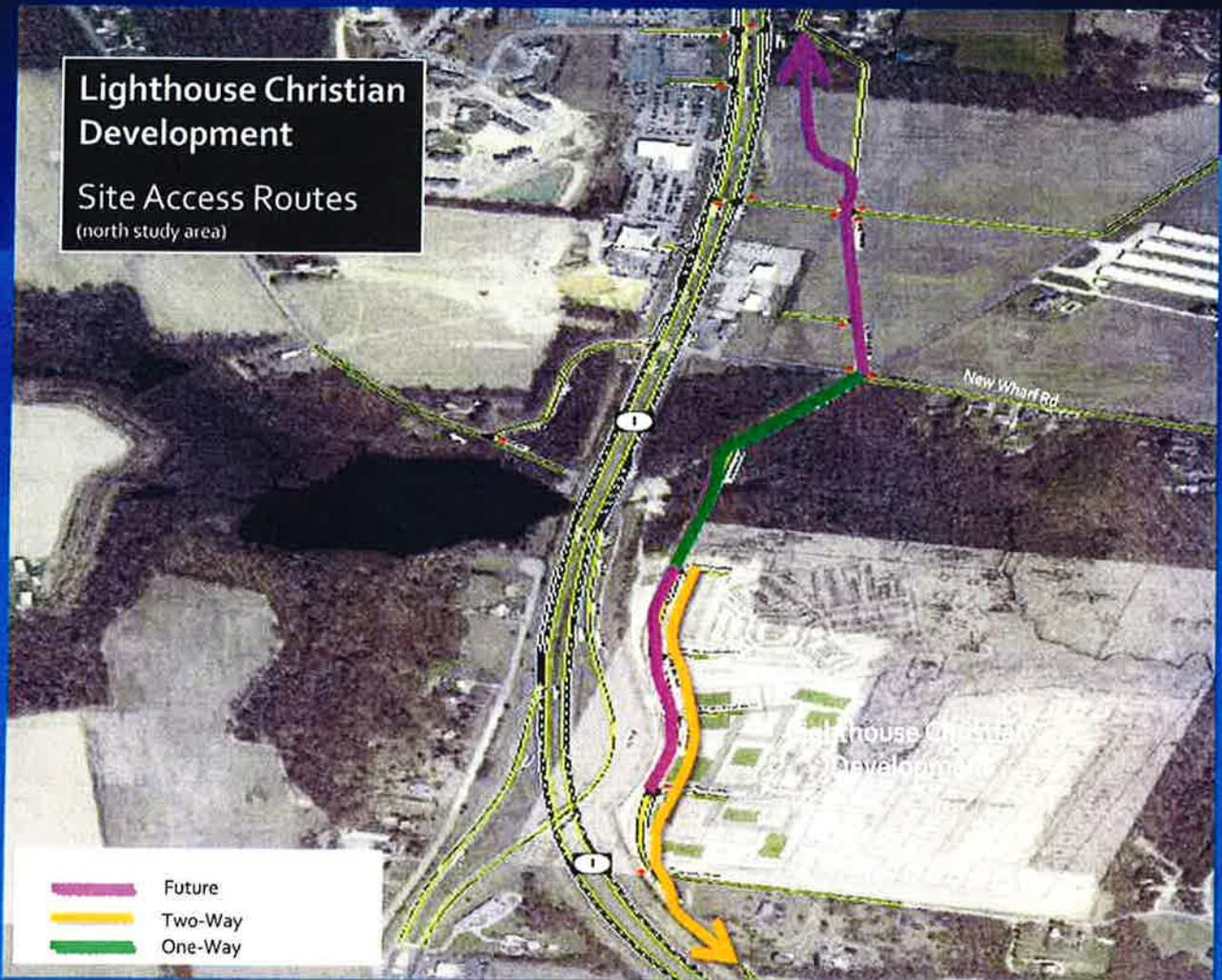
JAMES BROWN & PARTNERS, INC.
 ARCHITECTS, ENGINEERS & LANDSCAPERS
dbf
 NEW ROAD ALIGNMENT CONCEPTUAL PLAN

SILICATO-WOOD COMMERCIAL DEVELOPMENT
 CITY OF MILFORD
 MILFORD HAMPDEN, KENT COUNTY, DELAWARE

CP-1



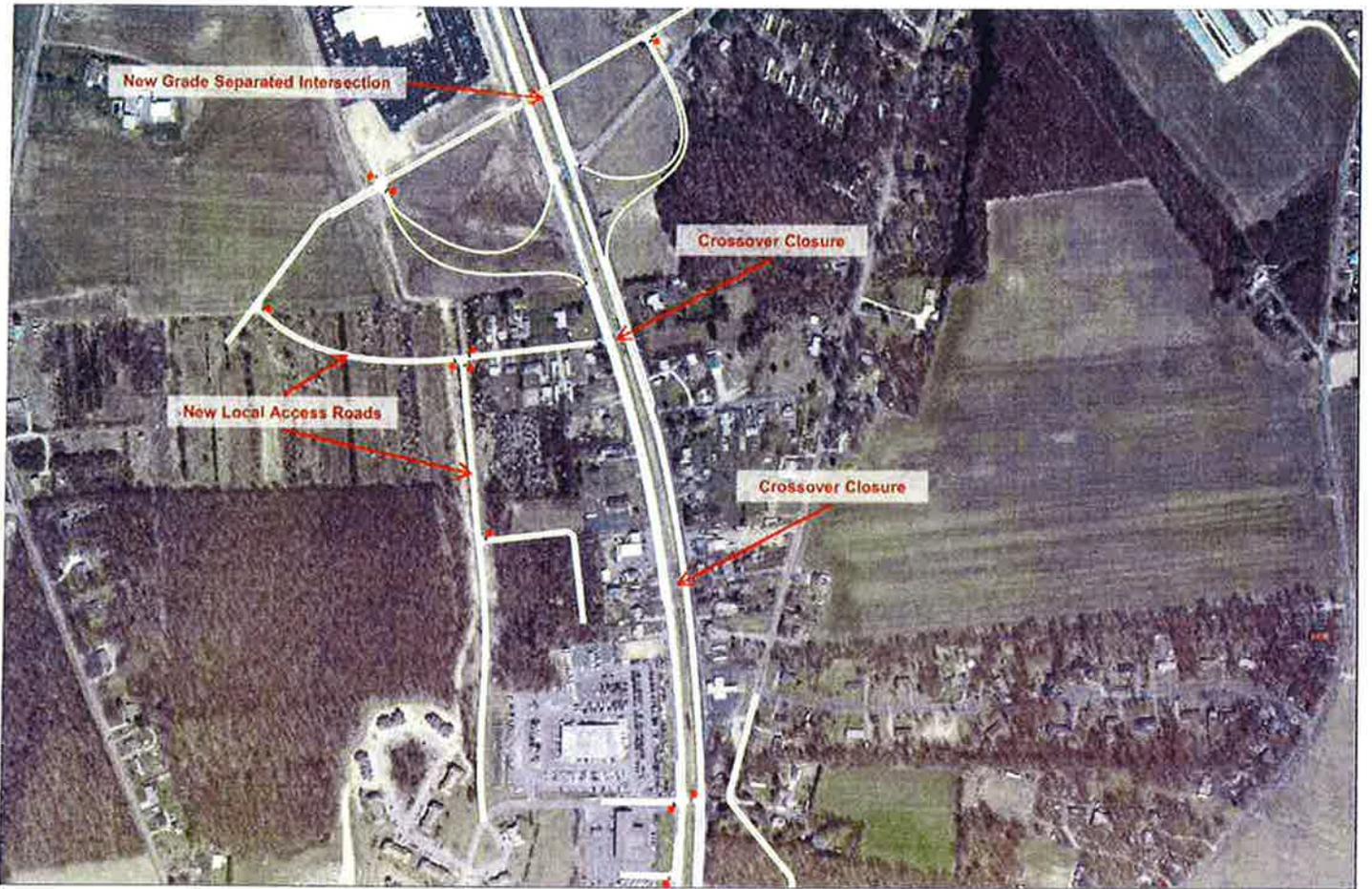
**Lighthouse Christian
Development**
Site Access Routes
(north study area)



- Future
- Two-Way
- One-Way

Milford Area Improvements

Study Area - North



DelDOT Division of Planning

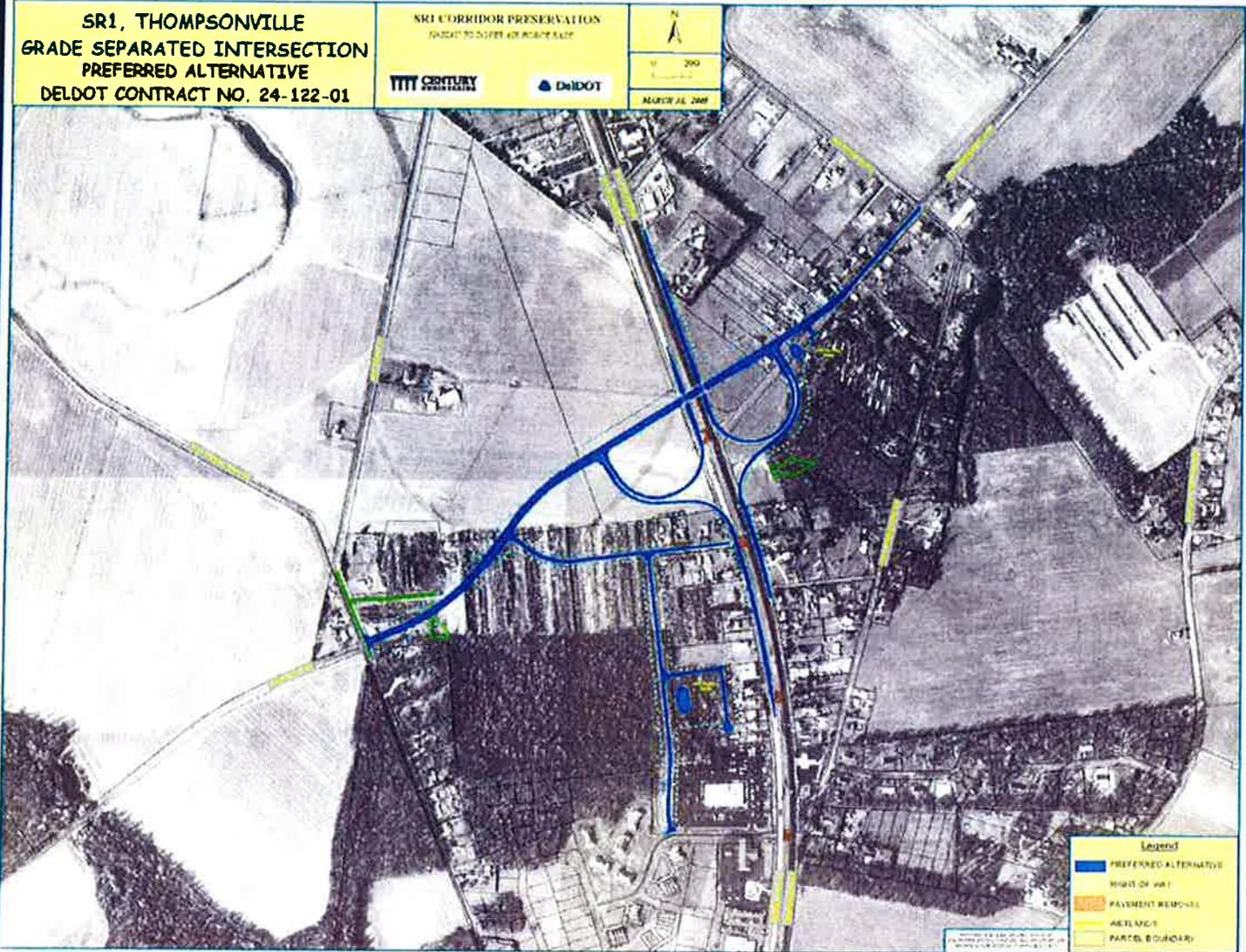
**SR1, THOMPSONVILLE
GRADE SEPARATED INTERSECTION
PREFERRED ALTERNATIVE
DELDOT CONTRACT NO. 24-122-01**

SR1 CORRIDOR PRESERVATION
DESIGN TO SUPPORT GRADE SEPARATION

THIRD CENTURY
ENGINEERS

DelDOT

Scale: 1" = 200'
March 21, 2009



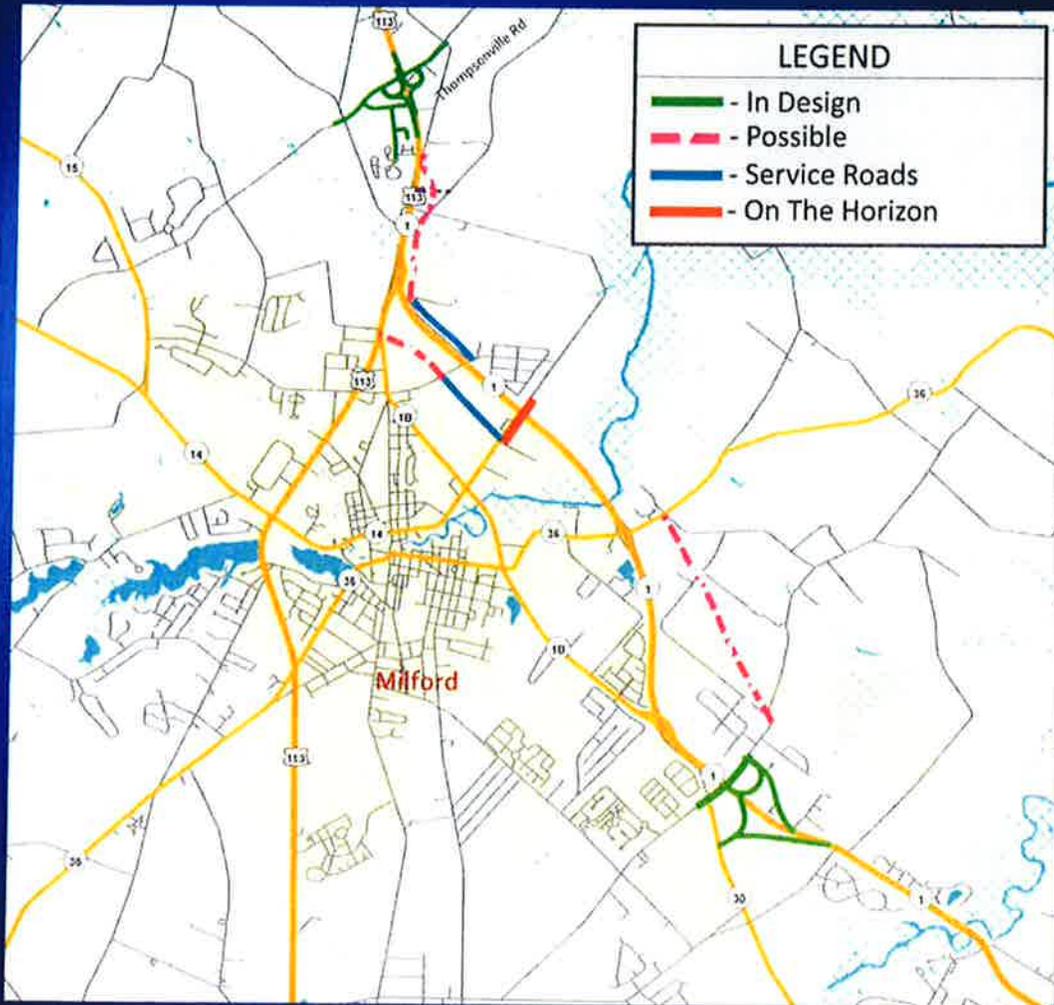
QUESTIONS OR COMMENTS

Delaware Department of Transportation

MILFORD AREA CONCEPTS & PROJECTS

November 23, 2009





LEGEND

-  - In Design
-  - Possible
-  - Service Roads
-  - On The Horizon

