

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 28, 2008

A Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, April 28, 2008.

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers called the Council Meeting to order at 7:41p.m.

Conditional Use and Preliminary Review of the Major Subdivision of Cypress Hall (DBF, Inc.)

Randy Duplechain of Davis, Bowen and Friedel, Incorporated returned to council to report on the additional findings with regard to the Route 36 entrance and the stormwater management and water quality issues as was directed at the public hearing in March.

He referred to an April 15, 2008 letter from DELDOT confirming the agency's wishes to keep the Route 36 entrance though they are willing to consider the elimination of the left in. If further explained about 15% of the total traffic using the site will enter through this entrance off Route 36. No widening of the roadway will be necessary with the removal of the lefts in movement.

Mr. Duplechain then responded to concerns expressed by Danny Fox regarding lighting issues in relation to the entrance. He reported that Mr. Fox also met with DELDOT representatives. DELDOT will not permit plantings in the right-of-way. As was stated at the previous hearing, the developer will provide buffering against noise and litter on the neighboring properties and limit runoff to the same level of the undeveloped land.

Mr. Duplechain reiterated that DELDOT feels the Route 36 entrance location is needed to help disperse traffic and help alleviate potential congestion on Route 113.

Mr. Duplechain recalled discussing the requirements of Sussex Conservation District in relation to stormwater management. When he met with Mr. Elliott, Acting Program Manager, Mr. Duplechain explained what he needed to help alleviate a number of concerns expressed by the public. The requirements of their department were again reviewed which included an environmental assessment documenting post-development discharge being no greater than the pre-development rate. All those things are in place in addition to assurance the larger storm events can be handled by the downstream channels.

Part of what was discussed at the last meeting was the water quality issue or implementation of quality and quantity. They must also meet those requirements as part of soil conservation. It was strongly recommended they implement best management practices (BMP's) which reduce or mitigate some of the adverse impacts. This involves some green technology and instead of doing management and discharge, they do bio-retention and infiltration type practices. Those requirements will also help with the overall water quality.

Mr. Duplechain said that the conservation district letter stands for itself in relation to the requirements they will meet.

Mayor Rogers thanked him again for reviewing these issues and bringing the information back to council as was requested in March.

The mayor then opened the floor for questions from council. Mr. Workman said he appreciates the information noting

that runoff from a parking lot creates more pollution than vehicles parked on a street. His concern is gas and oil which drips from vehicles. Knowing that oil will float on top, he hopes the system will work properly. He remains concerned about the location of the parking lot. He and the city manager went out and actually walked the site so he could have a better understanding of where everything will be placed.

Mr. Workman noted there are existing wetlands on the site. He asked that anything extra that could be done to prevent pollution would be appreciated to prevent the lake from any addition pollution. He wants the lake preserved so it can continue to be used for future recreation. He reiterated that he appreciates Mr. Duplechain's additional work on the matter.

Mr. Duplechain further explained that previous studies showed a strong relationship between increases in impervious cover to decreases in overall water quality. Best management practices reduce or mitigate some of the most likely adverse impacts. They are now working on other alternatives and are happy to address that. He said that fortunately, the soils on this site are such that can be done. However, that is not always the case when there are clays and related issues.

Mr. Carmean also reported that when Councilman Workman and he went to the site, they had a tendency to agree with the neighbor who was concerned about the privacy in his backyard will be greatly impacted. At the public hearing, Mr. Duplechain had already committed to adding buffering to protect his privacy. Mr. Duplechain reiterated that the adjacent properties on Seabury Avenue Extended would be provided buffering as was previously reported.

The city manager also repeated that though DELDOT will not permit buffering on their property, the offer for buffering is also being extended to the Fox property.

Mr. Duplechain concurred noting the proposed buffering is a six-foot fence along the entire side. The right-of-way along Seabury Avenue Extended is sixty feet and they hope to narrow it to fifty feet because it will become a local road. He hopes to provide them with some additional property, which is typically split down the middle, though they are willing to provide them the additional ten feet. Because of the reconfiguration, he advised that the property on the corner will almost double with the right-of-way that will be provided.

When asked for the planning commission's view, Planning Chairman Brendon Warfel reported it was unanimously recommended for approval. He explained this property has been under review by the city for sometime and a portion of the property was changed to add some additional commercial.

Chairman Warfel pointed out this meets the comp plan and is appropriate for the zoning. The conditional use must fit the area which the commissioners felt it did. The main concern was the traffic which primarily involved Route 36 as well as the buffering for the neighbors which the developer was willing to provide. When the final site plan is provided, the buffering would be shown between the residential and commercial properties. The other issue was the stormwater which Chairman Warfel feels they have addressed and continue to work on.

His opinion is the public was not against the entire project but only concerned about these specific issues. Nor was any planning commissioner against the entire project which is why the planning commission unanimously recommended approval.

In reviewing the related drawing, Mr. Crouch asked the distance between Route 113 and the commercial site. Mr. Duplechain estimated the distance of approximately 450 feet to the roadway. The DELDOT right-of-way is about 150 feet where buffering is not permitted. He also referred to the six out parcels along the highway corridor for future development. Landscaping will be provided on each of those parcels.

Representative Robert Walls then addressed council stating he has a concern about the stop light on Route 113 which is the main entrance into the shopping center. He stated there is then another entrance going into the park and an exit coming out of the park. He stated that traffic going north on Route 113, will be able to enter from the south. As a result, there are two intersections within 200 to 300 feet apart.

Representative Walls then explained this is across the highway from his business. He advised that tractor-trailers

continually access his business. There are school buses that use the highway, then turn and go back south. He said it appears there will be too much congestion which will be a safety issue. He is unsure how much this has been reviewed, but thinks it needs to be looked at. He cannot understand how all these entrances, which are so close together, will be allowed on the highway when someone cannot normally get a single entrance. He said there are two entrances going into the same shopping center and whether it will be a lumber yard or other store or other use, there will be traffic especially when considering the size of the parking lot. He feels that vehicles will end up of each other.

Representative Walls said a vehicle coming out of the parking lot going south will look to the north to see if something is coming. If a school bus is stopped, the driver will begin to merge without seeing the stopped school bus and a collision is evident. He believes this is a grave issue that someone must review mainly because it is a safety issue. According to Mr. Walls, he just found out about this matter. The bottom line is he does not think all of this is needed at one location.

Mr. Duplechain again reported that a full traffic study was done and submitted to DELDOT who responded with their comments. The plan meets all the requirements of DELDOT. He said the distance separation between the Route 113 entrances are between 800 and 1,000 feet. It may look like they right on top of each other in the picture because of its small size. He then referred to the substantial frontage at the site. He understands there is always a great deal of traffic on Route 113, but with the proposed improvements, he feels it is being addressed. He pointed out there is a signalized entrance, which is the main entrance, a rights in/rights out and a left in to the south. In addition, there is a Route 36 entrance which will help disperse the traffic. If they eliminate some of the entrances, it will then cause potential problems at other intersections. He believes traffic has been addressed correctly again noting they have been working with DELDOT the past year and a half to come up with the best solution. He believes that everyone involved is very comfortable with what is being proposed.

When asked how this interfaces with the residential subdivisions across the highway. Mr. Duplechain explained the signalized main entrance lines up with the adjacent Simpson Farm, which they hope will eventually be developed.

He reported the southerly entrance lines up with an existing crossover which is the one Representative Walls is concerned about. On the opposite side, he has his entrance coming into that location though it is an existing crossover; this will create a rights in/rights out or access point for them to utilize.

Mr. Workman pointed out that Wal-Mart has one traffic light going into their property and the only other way to get out is to exit from the rear of their property toward the bowling alley and onto Airport Road. He said if you look at Milford Plaza where Peebles is located, there is only one light, another exit going north on Route 113 and another entrance/exit next to the fire company off Northwest Front Street. Both Wal-Mart and the Plaza only have one traffic light. The McDonalds shopping center only has traffic light with another entrance/exit in front of Ace Hardware besides the entrance on the opposite side onto the Milford-Harrington Road.

He said there is one existing light at Route 36 and wonders why another light so close is necessary when all other shopping centers only have one traffic signal.

Mr. Duplechain explained the 36 entrance is not directly in front of this property so they are not actually accessing the Route 36 entrance as a signalized entrance. He explained the Wal-Mart shopping center runs directly to a signalized entrance. This is almost exactly the same situation. Wal-Mart has the entrance going to Airport Road and also the entrance that connects to the other shopping center where the old Wal-Mart was located. There is another connection that goes behind the old Wal-Mart to Warner Road which takes you to Route 113.

Mr. Workman feels the flow of the traffic at each of these locations is through only one light at each of these shopping centers. Mr. Duplechain feels this site would also be controlled by only one signalized intersection which would be the main entrance. There is no direct access to the Route 36 light.

Mr. Workman disagreed pointing out the access road is adjacent to neighboring properties and will be used by drivers coming from other roadways. In addition, Seabury Extended will become a cal-de-sac. He feels that realistically, more traffic from the shopping center will use the Route 36 light.

Mr. Duplechain explained that not having a light at the intersection was analyzed; but it was their belief it would increase traffic at the Route 36 and 113 intersection because the majority of traffic would then use that light. That is something the surrounding property owners did not want.

Mr. Workman explained the problem is having the light so close. He said when entering Milford from Route 1, by the time you hit the Peebles Shopping Center, there are eight lights. Adding another light after Royal Farms will only cause the current backups to become worse particularly during the summer. He reiterated there are eight lights between Route 1 and Route 14.

Mr. Duplechain advised the two signals will be sequenced so they do work together versus the older lights that do not have any connection to one another. That will greatly help the flow of traffic. In addition, they will most likely have to do some improvements to the 113 and 36 intersection. Another left turn and right turn lane will be added and the signal upgraded to connect to the new signal. They will work in tandem. If no signal is added, the situation will become much worse which is why DELDOT is recommending a signal be added. The separation meets the standards DELDOT requires for signals.

He emphasized that they have been reviewing and analyzing this process for a year and a half. He feels very strongly that what is being proposed will work best for that location. The signal will serve Cypress Hall and the Simpson Farm project.

Mr. Carmean again pointed out that Route 113 is a DELDOT road and falls under their jurisdiction. Their decision is the final word whether the city agrees or not. He asked for Mr. Duplechain to compare the distance of the North Walnut Street (Bob Evans) light to the Wal-Mart light to these two lights. Mr. Duplechain said it is comparable and within the same range. From Seabury Avenue to the entrance into Cypress Hall is a good distance. He added they are taking out the Seabury Avenue Extended connection so that vehicles will not be able to enter Route 113 from Seabury Avenue Extended on the west side.

Mr. Crouch said he understands DELDOT does dictate, but that does not mean we cannot try to protect the quality of life of our Milford citizens. In the summertime, it is very difficult to get across even when the lights are working and now we want to add another light. He stated this is Phase 1 of two phases and these out pads will be built and another piece added south of this light. Mr. Duplechain agreed there will be another entrance further south at the next crossover which will connect to the residential portion of the property.

He explained the traffic study considers the traffic that will be generated by the new project, the existing traffic on the roadway and another percentage of additional traffic to the build out year 2015. The numbers include an additional percentage to the existing traffic that is made part of the study. All proposed developments are also added in. Then an analysis is done which is based on the levels of service. According to Mr. Duplechain, it is a 'piling on' of projects to get the worst possible case scenario. There is a summer peaking factor also included.

Mr. Morrow then pointed out the development directly east of this commercial area that will require a traffic light regardless of this project. He said Seabury Avenue has been eliminated which will take some of the stress off the Route 36 light which mainly involves residential traffic at this point. Removing the left in will somewhat help the traffic at that point.

Daniel Fox then readdressed council stating he lives across the street from the Route 36 entrance. He stated he talked with the DELDOT representative Mr. Sapp who informed him that at first, they were going to have to acquire property from the people on the east side of Route 36 but that was changed. The DELDOT map showed a left turn in off Route 36. He said that will move the white line and if there was a shoulder, someone could pull off and park. In this case, the mail lady will use the area to put mail into the mailboxes. By his driveway, closer to Royal Farms, the white line is on the edge of the blacktop road, so there is no shoulder adding there is a three-foot drop between the road and his property.

Mr. Fox said another problem that has not been talked about are the children that live in the housing developments past him that ride their bicycles and walk to Royal Farms. He sees them every day. If this happens, there will be no shoulder to walk or ride on. These kids will continue to ride their bikes with the extra traffic coming out of this development.

These drivers will be looking toward Route 36 to see if anything is coming and will pull out and not see that kid on the bicycle. He stated that kids do not pay attention to these drivers.

Mr. Duplechain said that something that was discussed previously. They had the left turn into the site which was going to require the road to be widened and would have allowed the bikes or walkers to stay within the rights of ways with widening with shoulders. Because of the neighbors' concerns regarding the amount of traffic at that location, DELDOT is now considering eliminating that left in. He said it is basically the roadway width on the north side of the property. They would not expand the roadway to the north at all.

Mr. Fox said his other concern is the water issue. He said infiltration was mentioned and as Planning Commissioner Karen McColley mentioned at their hearing, there is a design with augering from one retention pond to the other. The DELDOT representative also referenced underground infiltration where large pipes are placed beneath the parking lot and no water runs off the property. It goes into the retention ponds and any overflow goes into these pipes and filters through like a regular septic system. In that way, according to Mr. Fox, there is no way water can runoff and contaminate his property and affect his livestock. Also, downstream, Silver Lake, the Mispillion River and the bay could be impacted. As Mr. Workman mentioned, he does not want to see them contaminated though they may be a little contaminated now, but their future must be considered. He feels it is easier to solve the problem now rather than having to address it when it is too late.

He asked council to consider these issues when they vote, that they push the issue for the underground infiltration system to prevent any water runoff and require it to remain on the property. The soil conservation people told him they would look into it and put that information in their notes.

Mr. Fox asked that augering also be considered as was suggested by Mrs. McColley.

The city manager relayed to the city solicitor that in fairness to the applicant, this was only to be a follow-up meeting. As a point of order, the public hearing ended at the March 24th meeting. He understands that is unpopular in this audience, but asked for an opinion on how long public comment is taken. City Solicitor Tim Willard said that after reviewing the minutes from the last public hearing, he said a motion was made to table the matter. The request was to leave the record open for a specific reason which was to allow the applicant to address stormwater management and the traffic entrance. He agrees with the city manager that this is not a public hearing and is an item on the meeting agenda.

Mr. Carmean explained that part of this job is to protect the city from lawsuits and council needs to follow protocol. His point with DELDOT is they are the authority. If council wants to override them, they can; but he is unsure what that opens council up to. Our county governments are learning about lawsuits and he is trying to protect the city in this case. He has no problem with the public speaking, though the time for that was during the public hearing and not during a council meeting.

Mr. Willard then referred to the City of Milford Code Chapter 230-14 C-3 that states shopping centers-subject to site plan review and the following site requirements: Traffic and parking-access to state highways shall be controlled by the State Department of Transportation.

Mayor Rogers pointed out that Mr. Duplechain was asked to meet with those agencies and return with their answers which he has done.

Mr. Duplechain understands the concerns with the shopping center, development and traffic. He asked if he could respond to Mr. Fox's question. He stated he has been in this business for over twenty years and has never had a project that has infiltrated the whole 100% of a storm event. Regulations allow you to meet your pre-development rates on the two and ten year storms and have a safe discharge for the larger storm events. He said that many times we have infiltrated what is called the 'first flush' which is the first inch of storm which causes concern and involves the grease and sediments. Typically it is sized for a water quality base whether it is infiltration or ponds. The soils attach to the sediment and then fall out into the ponds and this allows an extended period of time that first flush of water is contained. He has not had a project or heard of one where that occurred. He is unsure where that information came from but there are infiltration

practices that can be used. The best management practices he talked about earlier involve some of those practices. It is the practice of bio-retention while you are infiltrating, planting grasses, for example, that take up the sediments and those type things. He emphasized it is impossible to infiltrate every storm event that would come off that site and that is not the intent of the stormwater management regulations.

Mayor Rogers thanked Mr. Duplechain for responding as he was directed by council. He then said that the decision of the planning commission needs to be considered noting this involves locals we are familiar with who have a reputation for doing things correctly. Some of the things DELDOT is requiring are costing the developer a lot of money but they are things that must be done. They set the precedence on the highway as is required by law.

Ms. Wilson then made a motion to approve the conditional use and the preliminary major subdivision of Cypress Hall based on the recommendation of the planning commission and DBF satisfying the concerns council requested answers on at the previous hearing. Mr. Morrow seconded the motion. Motion was denied by the following 3-4 vote:

Yes-Ambrose, Morrow, Wilson
No-Workman, Crouch, Brooks, Starling
Abstain-Kramlich

Mr. Kramlich stated that over the past four and a half years, he has voted favorably on this project many times. Up until recently, he was not aware of what might take place there with regard to the commercial use. The intention is to have a large grocery store. He works for Acme Markets and over the past few years, he has sent development and commercial papers and other documents to Acme to encourage them to come back to town. He has no idea what specific grocery store will go there, but feels this would exclude him from voting on this matter. He does not want to vote because he thinks it could come here; nor does he want to vote against it and it end up being a competitor. He wants those facts made clear and will abstain as a result.

Mr. Workman stated that what they want to do is a great thing. However, the traffic and light situation is a concern to him. He understands that DELDOT makes the decisions in these matters, but he also knows other areas that DELDOT backed off because of what council has said in other towns. He votes no.

Mr. Crouch said that he has debated this in his mind and if there was a plan for a bypass in Milford's future, he would feel much better about voting yes. But since the bypass is not in our future and does not look like it will be in our future, he has a real problem with the traffic and quality of life for our citizens and votes no.

Mr. Brooks has a concern about traffic. Two years ago, he told the city manager it took him 45 minutes to get from Kings Highway to Wal-Mart. Last year, the city manager experienced the same situation which he relayed to Mr. Brooks. With all the traffic lights and the situation with the school buses, he votes no.

Mr. Morrow said that council has looked at this noting it has been analyzed for a number of years. Even though it adds one more light, we are taking out access from the one intersection, but a light will be added regardless in the near future as these developments are built. He has lived here a long time and for years, council and the public have discussed the need for a home improvement store in Milford. They have met all the requirements and have gone above and beyond what was asked by council. There is a local person behind the application who is familiar with the building needs in this community and votes yes noting this is a good thing for the city.

Mr. Starling said that his concern is increased traffic and the congestion. He lives right off the highway and sees what is happening when he sits on his front porch. He said he knows it will probably pass anyway, but votes no.

Mayor Rogers announced the motion was denied.

Mr. Carmean asked whether a super majority is needed to overturn a decision of the planning commission. The city solicitor stated he needs to look into that and the related state code provision which he does not have with him. The vote is what it is, but he will render his opinion tomorrow morning when he can provide a clear answer.

The question was raised whether the city code states that two-thirds of council is needed to overturn a planning and zoning decision.

Mr. Willard said he does not want to duck the issue but wants to be clear and asked council respect that and allow him to more thoroughly review these issues.

Introduction of Ordinance 2008-7/Amendments to Chapter 92, Numbering of Buildings; Chapter 138, Grass, Weeds and Vegetation, Chapter 145 Housing Standards, Chapter 174, Property Maintenance and Adoption of 2006 International Property Maintenance Code

The city manager introduced the ordinance that will replace the current property maintenance code and repeal other ordinances which will make the entire rules governing these matters combined into one ordinance.

He asked council to review the proposal noting this will give our new code official more teeth in dealing with these issues. The amendment also includes some concerns council has brought forward.

The entire code is available on the city's website for the public to read. The ordinance is scheduled for adoption at the May 12th meeting.

University of Delaware/Milford Yes Campaign (continued)

Mayor Rogers then recognized David Stevenson who was speaking on a workshop item (refer to Workshop Minutes).

Councilman John Kramlich

Mr. Kramlich asked for the floor because this was his last meeting. He said it has been an honor and a privilege to serve the City of Milford for the past four and a half years. He found it a privilege to serve on the planning commission and then council and is grateful for the opportunity to get to know so many of those members on a more personal level. He thanked everyone for the opportunities and the memories as well as the support he has received.

Mayor Rogers then thanked Councilman Kramlich for his service noting how important the comments he made came from his heart. The mayor acknowledged the honorable campaigns he has been involved in and the many people he has come in contact with who will now be lifelong friends as a result.

Mayor Elect Dan Marabello then addressed council stating that when the city hall renovations are completed, he thinks it is only proper that at the time of the dedication and the first meeting, Mayor Rogers is invited to participate in that opening dedication and in the opening of the new chambers. In turn, he gave him a formal invitation to attend.

Mayor Rogers thanked Mayor Elect Marabello informing him his door will always be open to him and his administration for any help he can provide.

Cypress Hall Legal Opinion

City Solicitor Willard then referred to the previous vote on Cypress Hall noting Chapter 230-58(D) of the City of Milford Code states that in the case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

Mr. Willard said that in this particular case, the planning commission recommended approval, so his initial conclusion is that a super majority is not needed to overturn the planning commission's decision.

Mayor Rogers temporarily adjourned the council meeting at 8:45 p.m.

Special meeting resumed at 8:54 p.m.

Executive Session

Motion made by Ms. Wilson to go into Executive Session reference a personnel matter, seconded by Mr. Starling. Motion carried.

Mayor Rogers recessed the council meeting at 8:54 p.m. to go into Executive Session to conduct a discussion regarding a personnel issue.

Return to Open Session

City Council returned to open session at 9:31 p.m.

Mr. Crouch made a motion to affirm the decision made in executive session, seconded by Mr. Ambrose. Motion carried with no one opposed.

Adjourn

With no further business, Mayor Rogers declared the Council Meeting adjourned at 9:31 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 28, 2008

The City Council of Milford met in Workshop Session on Monday, April 28, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers convened the Workshop Session of City Council at 7:16 p.m.

Mr. Ambrose then asked Mayor Rogers for the floor. Mr. Ambrose said he would like to thank Mayor Rogers for his many years of service to the City of Milford and its citizens. He personally appreciates all the help he has provided him during this term in office.

Mr. Ambrose then requested Mrs. Hudson prepare a council resolution for the May 12th meeting that would designate the renovated council chambers at Milford City Hall be dedicated and named the Joseph Ronnie Rogers City Council Chambers.

Mr. Workman then suggested that a committee be formed to plan a banquet at which time Mayor Rogers would be honored for his service as the Mayor with the longest term in the State of Delaware. He suggests the chambers be officially named in Mayor Rogers' name with a dinner to follow that same evening.

Mr. Crouch also asked that a proclamation be prepared to declare a week in Milford in honor of Mayor Rogers for the dedicated service he has provided to this town and its citizens.

Joe Palermo then spoke for Mayor Elect Dan Marabello thanking Mayor Rogers for his years of service and wishing him the best in his endeavors. He said that in the near future, Mr. Marabello may seek advice from Mayor Rogers.

Mayor Rogers said he is honored and will save his remarks for the May 12th meeting. He then congratulated Mayor Elect Dan Marabello wishing him a successful term adding he will be available for any assistance or help he can provide.

Request for Annexation Fee Reduction/Karen and Lynn McColley

Lynn McColley recalled that approximately a year and a half ago, he applied for a change of zone on a 70-acre parcel east of Route 1. He said that when it went before council, it was later withdrawn because of the issues that were occurring including the elimination of the hospital plans on the property east of Route 1. As a result, they did not pursue it any further. Recently, he applied for an annexation and a zoning change. When the application fee was presented, Mr. McColley requested the fee be credited toward this annexation. He asked council to have that amount credited because nothing was done over the past year and a half.

Mr. Crouch asked if the city has spent any money that should be deducted from the amount Mr. McColley is requesting.

Mr. Carmean provided some background explaining the McColleys requested a zoning change on their parcel east of Route 1 from R-1 to R-3. He said there were a number of issues occurring at that time including the hospital expansion east of

Route 1. There were associated expenditures at that time including the advertisements and mailings for the planning and council meetings and the time involved in the initial application. Before final action was taken by the council, it was agreed they could withdraw the R-3 application and return with a new application for what he believed to be an R-2 change of zone. Council informed Mr. McColley that when that occurred, he would be required to pay for any advertising and associated costs, but the remainder of the money could be used toward that new application.

As a result, council needs to determine whether they wish to reduce the annexation and change of zone application fee by that amount.

Mr. Workman asked why it has taken so long to apply for another application. Mr. McColley advised this involves a completely different parcel. Nothing was done on the rezoning because of the many conflicts regarding the land east of Route 1 in addition to the economic impact on the housing boom.

The city manager explained the master plan for this area had not been completed. The McColley land falls under that master plan. He had requested Mr. McColley not consider any zoning changes until that master plan was in place unless a buyer came on board. He said they are close to getting the comp plan changes completed and the master planning stage will then begin.

With the master plan, Mr. Carmean explained it may convince Mr. McColley that they need something different and possibly an R-1 zone, commercial or even farmettes.

Mr. Brooks feels council should give him the credit on the annexation and the C-3 on the Sunnybrae property.

Mr. Carmean added that he informed Mr. McColley that if he comes back and wants changes to the 70 acres, the process will start from the beginning as far as the costs go. He can only use this credit one time.

The city manager will return with the numbers on May 12th. He further explained that Mr. McColley is asking the \$500 zoning request fee and the \$100 per acre fee he paid when he applied for the change of zone be credited toward his annexation fee. Any costs incurred during the application process will still apply.

Mr. McColley later advised they are unable to make the May 12th meeting but asked that council determine the amount as far as advertising or other fees. Applications are required to be in by the 10th of the month in order to be considered the following month and he asked consideration be given in that respect as well.

University of Delaware/Milford Yes Campaign

David Stevenson was not in attendance at this time. Mr. Workman spoke with David Stevenson who advised the University of Delaware wants to establish a four-year college in Sussex County and are considering land in Lewes and Georgetown. Mr. Stevenson feels it would be more appropriate for Milford with their central location and a railroad that could run between the main campus in Newark and the Milford campus.

Mr. Stevenson had obtained over 500 signatures at the Bug and Bud Fest and was going to ask for a resolution or a letter showing their support. On May 10th, they are planning to present their case to the University and wished to carry their petitions and documents with them at that time. Though this is in the preliminary stages, Mr. Stevenson feels we need to act before it is too late and Milford is overlooked.

Mr. Workman asked for a letter or resolution of support by the May 12th meeting.

Mr. Brooks said he supports this 100%. He asked what they are looking for in the way of land which would make Milford competitive with Lewes or Georgetown.

Mr. Ambrose said that when he spoke with Mr. Stevenson on Saturday, Mr. Stevenson indicated the university is looking for approximately 120 acres. Lewes has approximately 40 acres available though there are traffic problems in that area

that must be considered. He asked what was left on the north side of the business park. Mr. Carmean estimates between 23 and 30 plus acres.

Mr. Ambrose suggests that some of the property owners of land that is vacant whose plans were for housing be considered. Perhaps the city could work with some of those landowners to obtain enough land for this project. Mr. Carmean feels that once they make the statement they are interested, he agrees we could discuss these possibilities to see if any owners are interested in working with the university.

A number of residential-zoned properties were discussed including one that butts up to the business park.

It was the consensus of council to support the campaign and pursue some land options.

Ms. Wilson arrived at this time.

State Representative Robert Walls was in attendance and Mr. Brooks asked for his opinion. Representative Walls advised the university is always considering the development of other areas. They are trying to expand growth in different areas and would like a campus in the Kent-Sussex area. He agrees it would be beneficial to have it in Milford.

With no further business, Mayor Rogers temporarily adjourned the workshop at 7:39 p.m. pending the arrival of David Stevenson.

Mayor Rogers resumed the Workshop Session of Council at 8:24 p.m. after Mr. Stevenson arrived to present the University of Delaware/Milford Yes Campaign.

David Stevenson of 509 South Walnut Street said he was representing himself and his wife, Kimberly Hoey who is on the City of Milford Planning Commission. He said it came to his attention that the University of Delaware is considering placing a four-year college somewhere in Sussex County. He said the university's website talks about the fact that President Patrick Harker is putting together a strategic planning committee, who has made a report. In that report there are twenty-five items of which one is the four-year college. This college would be a resident's college for both adult education and a college for undergraduates. They intend to build it as a green construction project.

Mr. Stevenson reported that on May 10th, President Harker is expected to make a speech to approve this initiative. After that, they will probably form a working group to decide where to place it. Mr. Stevenson expects it will be a second tier priority. The planning committee had Lewes in mind when the plan was developed.

He advised the school will draw students to a more intimate college and is expected to be approximately 1,000 to 1,500 students. The University of Delaware in Newark currently has 18,000 students. The Newark campus is 978 acres but a typical smaller college is between 100 and 200 acres though the university has not talked site specifics.

It is the feeling of himself and approximately 500 and 1,000 people from Milford who agree this would be good for the City of Milford to have a four-year college. The educational, cultural and economic opportunities are self evident.

Mr. Stevenson said that if Milford does nothing, it will not come to Milford. They are considering Lewes and if Milford does not do something to attract the university, it will not end up here. Milford is a much better alternative for the school. It is the largest town in Sussex County and is approaching 8,000 people. The university with 1,200 students would be less than 20% of the overall population. When a university is too large when compared to a city, there are a lot of cons. The Newark campus is approximately 40% of the population. He referred to a better model such as Washington College in Chestertown, Maryland which is about 25% of the population. It is better to be in a larger town and will need the resources of the large town.

He believes transportation is a key issue. He said the people in Lewes react with surprise that the university is considering putting it at the College of Marine Studies at the end of New Road. He reported that traffic is already impossible in that area and this will add another 1,200 students in addition to the adults that will attend at night.

Milford is the hub city for a reason according to Mr. Stevenson. Route 1 and Route 113 both go through Milford. In addition, Milford is easy access from Route 13 by way of Harrington. Milford also has an active rail line coming through town. He said if they are going to build a green university, they need to talk about a light rail. There is a light rail between Wilmington and Newark which is being upgraded and could be extended from Newark to Milford which would be a commuter place for people in Sussex County to gather to go north and south at the end of the day. It would also be a way for the university to move students and faculty between the two colleges. Mr. Stevenson feels that transportation is one of the key reasons it should be here.

He said lower cost housing must also be considered. For faculty and staff, the Lewes area is very expensive. Milford has more reasonable housing. The other key factor is rental for students. They will have dormitories which are great for freshmen and sophomores, but by the time students reach their junior and senior years, they generally live off campus. Milford has about 45% of their homes being used as rentals. That is typical in a college town.

Milford has a diverse population and the university embraces diversity. Other towns in the county are not as diverse as Milford which is a plus for the community. There is a large workforce for the jobs the university will provide and an opportunity for our children to go to school.

At the petition drive at the Bug and Bud Festival, he received 550 signatures though he expects to get 1,000 by the time it is done. People from Dover, Harrington, Frederica, Camden, Smyrna, Clayton, Ellendale, Lincoln and Houston signed the petition. The ratio was 95 to 5 in favor of the university. Mr. Stevenson believes the college can draw from all those areas because Milford is a central location. To go further south in the county becomes more difficult. The residents here know that east-west traffic is difficult and north-south traffic is the way to go.

David Burton informed Mr. Stevenson that we need to recognize the Mispillion River which is realistically Milford's beach. Mr. Stevenson said we have the opportunity to utilize the riverwalk, the river itself and the protected land in Milford Neck. If the university wants to do research, there are plenty of opportunities to do tributary research. He feels we need to develop this as one of our key features.

Mr. Stevenson feels that Milford can provide a welcoming atmosphere to the university which they will not get everywhere they go. He thinks the city government is reasonable in the way it considers Livable Delaware programs which is to have growth near the cities rather than out on farms or a distance from the city where there are no public utilities available.

The Stevensons have organized the 'UD Milford Yes' campaign. Besides the petition drive, they have talked to local organizations including the hospital and civic groups. They have a meeting with the economic development council, the chamber of commerce and Downtown Milford. All of these organizations need to make a statement on this matter. He asked that the city come up with a formal statement about how they feel. Before this goes beyond the initial stage, we need to get the university's attention stage. It will be a negotiation between the City of Milford and University of Delaware.

Mr. Stevenson asked for a formal resolution noting he has prepared a resolution which can be used or changed appropriately by the city.

A letter needs to be sent to the university telling them what Milford is doing. With the resolution, he is requesting letters of support from local organizations, copies of the signed petitions, a contact list for the city and a list of advantages as to why the university should be here should be prepared. He is unsure at this point how to get this information to the university, but he is working on it.

Mr. Stevenson said there are a number of things they can do with regard to the comprehensive plan. They can align their comprehensive plan to some of the priorities of the university. He thinks some type of committee should be formed so that the university can talk to them which may be separate from any existing committee at this time. He recommends nine members for the same reasons there are nine people on council including the mayor. The committee would not be too big nor too small, but would have an odd number to break any potential tie.

Along with the comprehensive plan, some possible institutional sites need to be submitted. He thinks we need to leave

room for people that come to the center of the hub from Shawnee Road, Elks Lodge Road, Cedar Neck Road and some room is needed for expansion and for multi-use trails. Those should be in the comprehensive plan. There needs to be some ordinances for connections to a trail system, some buffers, lighting and things that will make the town more attractive physically. He would like a central park developed. There are a number of things that can be done with the riverwalk and the river. One is to create a central park near Goat Island with a recreation center, playground and picnic area. He would like boat rentals at the dock behind the police department. A vendor could take boat rides for pay up and down the Mispillion.

There is a possibility of developing a bird sanctuary along the Mispillion and there is also a lot of interest in the horseshoe crab. Mr. Stevenson said there are tourists who would like to see horseshoe crabs. If there is a trail long enough to go to the Delaware Bay, recreational enthusiasts would participate.

Mr. Stevenson said a letter was provided to City Planner Gary Norris with these ideas for inclusion in the comprehensive plan.

He also recommends that customers of the city electric be offered the possibility of buying renewable energy. They could add a hub and spoke jitney service that could go out into the hub and spoke areas to pick people up to bring them into town. Some tax incentives are needed to get more businesses in town. More arts, crafts, etc. are also needed.

Some of these things will require capital according to Mr. Stevenson. He said council has learned that transfer taxes are not a reliable source of money. He would like to see transfer taxes and the fees the developers pay for open space credits be restricted to land acquisition and capital improvements.

Mr. Stevenson said that tonight, he is asking for a resolution and a letter that can be sent to the university. He pointed out there is only so much he knows at this point until the university forms a committee.

Mr. Workman explained that council had previously decided this would be added to the May 12th agenda and voted on at that time.

When asked if Millsboro has been considered because of their aggressive approach to development, Mr. Stevenson said he has only heard Lewes considered. The latest he heard, Georgetown is not being considered even with their Del Tech connection.

Mr. Carmean asked how the university is planning to acquire the land and whether this would be a purchase or a donation of some sort. Mr. Stevenson said that at some point Milford will have to put together an incentive package to get the university here which may involve providing some of the land, though there has not been any discussion at this time. They have not even given specific details about acreage or site requirements. The university will need to come up with a list of their needs. He is hoping that when they form that working group, they call Milford the same day and ask for a meeting. At the present time, Milford would most likely not be called.

The Workshop Session adjourned at 8:41 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 28, 2008

A Public Hearing on the following matter was rescheduled for this date in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware for final action by City Council:

The request of Steve Buckles on behalf of Joy Courtney for a Change of Zone from R-1 to O-C at 820 Seabury Avenue, Milford, Delaware. Tax Map 1-30-3.11-055.01.

The Public Hearing was again postponed until after the 2008 Comp Plan is adopted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 28, 2008

A Public Hearing was held before Milford City Council on Monday, April 28, 2008 in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware, to take final action upon:

Davis, Bowen and Friedel, Incorporated on behalf of WS Milford, LLC for Final Major Subdivision of 28.02 +/- acres at Milford Ponds (Phase II) allowing for 54 single family units and 38 townhouse units located on Patchwork Drive, 140' South of Flying Geese Drive, 675' west of South Walnut Street, Milford Ponds Subdivision, Milford, Delaware. Tax Map 1-30-3.00-264.01.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, John Kramlich, John Workman, Clifford Crouch, Owen Brooks, Jr. and Douglas Morrow

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

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearing to order at 7:02 p.m.

Tim Metzner of Davis, Bowen and Friedel, Incorporated presented the application on behalf of the owner of record. He reported this approval is for Phase 2 of Milford Ponds Subdivision; Phase 1 was previously approved in June of 2005. This phase will eventually have 54 single-family homes and 38 townhouses. Construction is not expected to begin for a couple of years. All street dimensions and locations have not changed from the previous phase.

Mr. Metzner noted that Phase 1 has five sub-phases of which two are completed. The work temporarily slowed down but is expected to be back on pace in the very near future. No homes have yet been built though negotiations continue with two builders while another is already under contract.

Mr. Metzner explained approval of Phase 2 is needed so the complete project can be presented to the interested builders. The plan is to complete Phase 1 before Phase 2 is started.

Mr. Kramlich moved for approval of the final major subdivision of Phase 2 of Milford Ponds Subdivision, seconded by Mr. Crouch. Motion carried by a 6-0 unanimous roll call vote.

With no further business, Mayor Rogers declared the Public Hearing adjourned at 7:08 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

April 28, 2008

A Public Hearing was held before Milford City Council on Monday, April 28, 2008 in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware, to take final action upon:

Charles Murphy Associates on behalf of Kent Sussex Auto Care, Incorporated on the Final Minor Subdivision of 1.50 acres of the 4.27 +/- acre parcel and Change of Zone from C-3 to R-3 (Action Deferred at January 28, 2008 Public Hearing) located on the west side of North Walnut Street and south side of Northwest Tenth Street (914 North Walnut Street), Milford, Delaware. Tax Map MD-16-174.18-01-15.00.

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

COUNSEL: City Solicitor Timothy Willard

Mayor Rogers called the Public Hearing to order at 7:09 p.m.

Robert Nash of Charles Murphy Associates, Incorporated presented the Final Minor Subdivision application on behalf of the owner of record. He presented a map showing the proposed plan and the location of the 1.50 acre parcel of the 4.27 commercial acres. After discussing the request with City Planner Gary Norris, it was determined the change of zone is not necessary because the C-3 district permits multi-family housing.

Mr. Nash referred to the concerns expressed at the planning commission hearing regarding the increase in traffic. The plans are for two apartment buildings with twelve units apiece. The traffic generation for these apartments would be less than two hundred cars a day. The C-3 zone allows uses up to a 7-11 convenience store which could generate 2,500 cars a day with this use having a much lesser traffic impact.

Previous concerns were expressed from the Nazarene Church regarding the impact of the additional traffic. Mr. Nash explained that Sunday statistics show the least amount of traffic generated from a residential area which would coincide with the day of the week the church has its largest assembly.

Mr. Workman asked where this information was obtained from; Mr. Nash advised they use the Ashtow Traffic Manual which is nationally recognized and what most transportation departments base their standards on. He further explained that traditionally, weekdays have the heaviest traffic because of work and school traffic. On Sundays, traffic counts are approximately 30% lower than normal. Saturday is also less than weekdays, but somewhat higher than Sunday.

Mr. Starling pointed out the Nazarene Church typically has activities throughout the week. He feels with evening services and other events, there is traffic on a daily and evening basis. Mr. Nash does not disagree, but again referred to the Ashtow Manual and those statistics that related to churches, in addition to churches with schools. Even with the additional activities throughout the week, the greatest concentration of traffic is on Sunday when the main congregation gathers at that time.

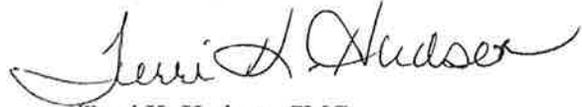
Mr. Kramlich referred to a letter included in the council packet from Larry and Norma Krumm of 906 North Church Street outlining various concerns as well as traffic and parking issues. He pointed out this application is only for the subdivision of the land and the actual approval of the apartment complex will be addressed at a later date.

Mr. Kramlich moved for approval of the final minor subdivision of 1.50 acres, seconded by Mr. Morrow. Motion carried by the following 5-2 vote:

Yes - Ambrose, Kramlich, Workman, Crouch, Morrow
No- Brooks, Starling

With no further business, Mayor Rogers declared the Public Hearing adjourned at 7:16 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the printed name and title.

Terri K. Hudson, CMC
City Clerk/Recorder