

CITY OF MILFORD
COUNCIL MEETING MINUTES
April 25, 2022

The City Council of the City of Milford met in Regular Session on Monday, April 25, 2022.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Jason James Sr., and Katrina Wilson

STAFF: Police Chief Kenneth Brown and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops were held in the Council Chambers at City Hall though attendees were able to participate virtually.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

The invocation was given by Councilmember Wilson, followed by the Pledge of Allegiance.

PUBLIC HEARINGS

Solicitor Rutt opened with the following statement:

There are three public hearings on zoning applications before City Council. The purpose is to gather factual information from the applicant and the public to assist Council in deciding to either approve the application, approve with conditions and in the event of a conditional use, or deny the application. They may also decide to defer until a later meeting if members of Council wish to review and consider the record being made tonight.

He then explained the process. The rules of the public hearings before City Council indicate that the applicant should limit to about 15 minutes, of course, if things are being presented and there are merits that need to be discussed, we will be flexible on that.

Members of Council may have questions of the applicant regarding the factual basis of the application and these questions will be asked at the end of each witness' presentation. Council may ask me to identify them, or we can get the information directly from the applicant or a witness.

After the applicant has presented its factual presentation, I will ask if there's anyone who wishes to speak in support. Then I will ask if there's anyone who wishes to speak in opposition, and then we will ask if there is anyone who has a neutral or general comment. We will also check to see if there's anyone online who may wish to speak. Again, Council may ask questions directed to the witnesses regarding the factual basis of their testimony.

For anyone who is speaking tonight be concise. The rules again for City Council indicate that a person speaking, either in favor or opposition will have up to three minutes. Keep your thoughts together make be concise put them on the record. Do not repeat what others have said, if somebody gets up and says we oppose this because of traffic, we don't need to have five people stand up and say we oppose this because of traffic. It is part of the record at that point.

If you represent a group, please say so when you get up to the podium. And you may be allowed some more time because you're speaking for numerous people. Also, if you have any questions of another witness or what has been said, please address them to me and not to the witness. We will get an answer to that question for you.

Please be respectful of what others state. I have had public hearings for people start the boo, they jeer, they applaud. We don't want any of that please be respectful of what anybody says, and everybody has their own opinion, whether you disagree with it or not.

I do ask that you turn off all your cell phones or put them on silent service. After the applicant and all who wish to speak are finished, I will turn it back over to the Mayor, who will then close the public hearing and City Council will deliberate and decide what they wish to do with the application.

Solicitor Rutt referenced Ordinance 2202-16:

Adoption/Ordinance 2022-16

Application of Ribera Development LLC on behalf of Legal Owner Michelle E. Gardner/Trustee of Stephen G. Draper; Westwood Subdivision for the Planned Unit Development and Preliminary Major Subdivision of 130.50+/- acres of land, in an R-2 Residential Zoning District; Property is located on the north side of Williamsville Road approximately 2,3000 west of the ST 14 and US Rt 113 Intersection in Milford, Delaware; Present Use: Vacant; Proposed Use: Planned Unit Development; Tax Map: MD-16-182.00-01-11.00 thru 21.00

Planning Director Pierce stated the public notice for this application was published in the Milford Beacon on April 6 and all properties within 200 feet of the subject parcels were mailed a copy of the public notice for this evening's meeting. Also, a public notice sign was posted on the property to meet our advertising requirements.

He then reviewed the various reports included in the Council packet noting this is a conditional use planned unit development and preliminary major subdivision application for a property that is zoned R2. The parcels are currently vacant, and the proposed uses are a planned unit development. It is comprised of approximately 130 acres of land on the northside of Williamsville Road approximately 2,300 feet west of State Route 14 intersection.

The applicant is proposed to construct a 340 planned unit development (PUD) consisting of 182 single family detached dwellings and 158 single family semidetached dwellings or duplexes as shown on the subdivision plans.

Specific deviations have been requested and outlined in the staff report. The deviations are permitted through the PUD process at Councils' discretion. The applicant is also seeking preliminary major subdivision approval for the entire site.

The development will include a clubhouse and a pool and some other amenities, which will be submitted under a separate site plan application for review and are not included the submission that the Planning Commission reviewed last meeting.

The staff analysis of the application is based on Chapter 230 48.1, which is the criteria used to evaluate a PUD. The packet includes some agency comments. The applicant went through the Plus Process with the State of Delaware and the Plus comments and applicants' responses to those plus comments are in the packet.

The plans were reviewed for general compliance with the City construction standards and specifications by the City Engineer. Those comments and the applicants' responses are in your packet as well.

The site does contain an impact on a source water protection area, an area of excellent groundwater recharge. There are requirements that the developer must meet for zone three disturbance. That requires a report be prepared by a professional engineer or professional geologists indicating that post development conditions will meet or exceed the predevelopment or recharge condition.

He referenced the property site on the northside Williamsville Road abutting the existing rail easement. Generally, surrounded by other development within Kent County. There is a site to the north zoned industrial that house Nutrien Ag and Baltimore Air Coil off Holly Hill Road on the other side of the railroad tracks.

A letter from the applicant's engineer for the deviations being sought, along with a summary table of those same deviations outlined in the staff report.

The Planning Commission reviewed the PUD request and the preliminary major subdivision at their April 19, 2022 public hearing. The Commission recommended approval of the PUD by a vote of three to two and recommended approval of the preliminary major subdivision by a vote of five to zero.

When asked the objections from the two Commissioners, Mr. Pierce said he did not get a clear indication from either objection. There were some general comments they did not like the overall feel of the project. He believes it was more related to the size of the lots. It was not clear in their vote, and they could not particularly say what their purpose was according to the City Planner.

Solicitor Rutt added that his notes that they thought more planning needed to be done.

Planner Pierce shared that typically, the preliminary phase of a subdivision is two dimensional. They lay the streets out and make sure the utilities can run and that it meets open space requirements and generally adhere to the zoning regulations.

The items they were seeking a reduction on are summarized in the staff report. Street widths meet minimum requirements. Landscape screening meets minimum requirements, however, if a conditional use, Council could require some additional landscape screening along the northside.

Councilman Culotta asked what the City's accepted lot coverage percentage and what has the applicant requested. Mr. Pierce confirmed the previous zoning code, when this was submitted, the lot coverage was at 30%. That was zoning code was revised in January and now allows up to 40% for R1 or R2. The City has some PUDs on record, and Milford Ponds is on that allows up to 60% lot coverage. He thinks there are other PUDs that have increased lot coverage allowances. However, those are allowances granted by City Council.

Councilman Culotta again asked what is being requested and Planner Pierce confirmed it is 60%.

Councilman James said he is reading on page eight of the staff report of the packet and after density, it says staff's response is the resulting density of the proposed for the 40 dwelling units is 3.82 units per acre. Right above that it states the net developer area divided by the minimum lot size of 8,000 square foot would permit the 484 units. But they are asking for a reduction to 6,600 instead of 8,000. Mr. Pierce stated that is correct and was asked how many units would permit. Mr. Pierce stated that what is seen would be followed through in the development plan. They are not seeking a reduction of lot size to add more units in at a later date. What is seen with the 340 is what they are planning to construct. They are coming in with less density than they could yield under a PUD or even a by-right subdivision.

Planner Pierce said one of the Commissioners summarized it well with a statement at the meeting last week. They are requesting smaller lot sizes. However, they are compensating with a reduction of private land with an increase in public open space for the community.

It was confirmed that they are going from possibly five units to 3.8 less dense and the Planning confirmed that R1 allows three to four units an acre and R2 allows four to five units an acre if not in a PUD.

PUDs are designed to allow flexibility in design, mix up the unit types. But it is not intended to increase density in anyway. They will not get 10 to 12 units as would be allowed in an R-3 zone. That is what in the City ordinance.

When asked about the water impact, in terms of the excellent ground water recharge areas, Planner Pierce stated the area has wetlands that are delineated on plans. The wetlands require a 25-foot setback and are not supposed to plat any lot within 25 feet of that wetland area. They have adhered to that requirement in our ordinance. The same applies to the blue line stream and the 50-foot riparian buffer which would be the high-water line and are delineated on the subdivision plans as well. No lots are platted within those areas and are keeping their impacts to meet the City

ordinance. There is a wetland crossing between the larger part of the neighborhood to that back section, which is phase five of the development plan, which requires an Army corps of engineer permit depending on who has governance.

The zone three requirement means that they if they kept less than 35% lot coverage for the entire development, there would not be any special considerations. But above the 35 and less than 60, a professional geologist must demonstrate that the pre and post recharges is at an equal or greater level.

When the difference between the 2006 and the 2018 plans was questioned, Mr. Pierce said the 2018 comprehensive plan shows this property as low-density residential and the R2 zone is compliant.

When asked who was present representing the applicant, James Fuqua stated he is an attorney in Sussex County and is here on behalf of the applicant Ribera Development LLC.

He stated that some of the questions just asked were very pertinent to the application and is what the application is about.

Mr. Fuqua said that as a general statement, he would like to add to the questions, the applicant is seeking a PUD as opposed to a standard subdivision not to gain any density. In fact, the density, as has been noted, is less than the density already permitted on the land. The reason for the PUD is to basically create a product that the market wants--smaller lots and units. That is the basic reason this is being applied for.

Also in attendance is John Stamato from Ribera Development LLC on behalf of the applicant Michelle Gardner, owner of the property, Senior Landscape Architect Eric Wahl, and Senior Project Manager Alan Decktor from Pennoni Associates and Senior Consultant Gabe Luna from Environmental Resources, Inc.

He started with some information about the general proposed development and the location of the proposed development. He will also the provisions of the Milford zoning ordinance regarding a conditional use application for a PUD. Also, he will talk about the statutory requirements that Council must consider and must base their decision on in reviewing a conditional use for a PUD that are stated in 230-47C of the zoning code.

Then, Eric Wahl, RLA and Alan Decktor will review the actual development site plan before Mr. Fuqua will make some very brief closing comments.

Mr. Fuqua stated this is planned unit development (PUD) and contains 130.5 acres located on the northside of Williamsville Road west of Route 14 whose proposed name is Westwood. It will contain 340 residential units and comprised of 182 single family and 158 semidetached houses. The land is zoned R2 and already in the City. The purpose of the R2 district is to provide for the orderly development of low to medium density residential housing in areas where public services are available.

The R-2 zoning permits a PUD as a conditional use. The Milford zoning ordinance defines a PUD as a development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities. A PUD is allowed to have any residential use that's permitted in any residential district under the Milford zoning ordinance.

In a PUD, the minimum lot area, with lot coverage, front side, and rear setbacks, maybe less than that required in the underlying zoning district.

Mr. Fuqua does not agree the word deviation should be used, because a deviation to him sounds like a variance that is reviewed by the Board of Adjustment. The PUD in itself is a deviation from your code. When a PUD was created, it provided the ability to design something, hopefully in a superior manner, that does not have to meet the requirements of that zoning district as a subdivision would need to meet. That is the essence of what a plan residential development is as opposed to a straight subdivision there are certain 'cookie cutter' requirements that need a minimum of 8,000 square foot lot size.

The actual requirements of a PUD, as opposed to a subdivision, in the Milford zoning ordinance, the requirements are actually minimal. The only requirements are that a PUD must contain at least 10 acres of land and this site has 138.5 acres. In a PUD, no single-family lot can be less than 4,000 square feet. Our proposed single-family lots are a minimum of 6,600 square feet. No single-family lot can be less than 40 feet in width and their proposed single-family lots are a minimum width of 66 feet, with the exception of some pie shaped lots which have a width of 52 feet.

Because of the smaller lot sizes, they are proposing a minimum front yard setback of 20 feet and a minimum rear yard setback of 10 feet and the maximum lot coverage would be 60%. The PUD requirement is that no building can exceed 48 feet in height and this development is proposing a maximum height of 35 feet.

According to the code, the density of a pod is determined by deducting wetlands and 25% of the gross area to determine the net development area. Then the net development area is divided by the minimum lot area required in the underlying zoning district in the R2 is 8,000 square feet.

These PUD calculations result in a permitted density of 484 residential units on 135.5-acre parcel.

The 340-units proposed is approximately 70% of the maximum density permitted in a PUD by the zoning ordinance and is also approximately 70% of the density that would be permitted in a standard R2 subdivision, which is a matter of rite. The subdivision could be done by rite and would be permitted to have more lots than are being proposed in the PUD.

The final requirement for a PUD is a minimum of 400 square feet of open space per unit, and half the open space must be for recreational use. That would result in this proposed development having of being required to have a minimum of 3.12 acres of open space. This plan proposing is 43.6 acres of open space.

The ordinance would require 1.56 of recreational use open space; this plan is proposing 14.2 acres of recreational use/open space. The proposed open space of the development makes up approximately 33.4% of the gross acreage of the site and substantially exceeds the requirements of the zoning code.

The applicants' land planners have worked closely with Mr. Pierce to ensure the PUD meets the requirements and the proposed lot size covered setbacks, are all permitted and authorized by the PUD regulations.

There is one waiver being requested from the block width which will be explained during the review of the site plan.

What is being presented is a superior designed mixed-use development of 340 residential units consisting of a combination of single-family homes and semidetached homes. The development will have a community recreational area with a clubhouse, outdoor pool and deck, a playground, pickle ball courts and a community garden.

The development is designed with consideration given to the site's environmental features and provides significant buffers from wetland and riparian areas. It involves the preservation of the two existing ponds that are on the site. It preserves a substantial portion of the existing woodlands that are on the site and there is a wetland farm road crossing that is going to be improved per the Army Corps of Engineers, at the same location where it exists. This results in 43.6 acres of open space.

The applicant was required to apply for conditional use under the Milford zoning ordinance. The Planning Commission reviews the application, provides the information, holds a public hearing, makes a recommendation, as occurred last week.

The Commission recommended approval of both the PUD and preliminary major subdivision plan.

After that, City Council holds a public hearing, considers the Commission's recommendation, and decides on the application which is the hearing tonight.

Section 230-47C of the zoning ordinance states the council's responsibility in making a conditional use decision. The decision on a conditional use, according to the code, should be based on three main considerations. The first one is that the location of the proposed use is appropriate. The second is that the proposed use is not in conflict with Milford's comprehensive plan. The third consideration is that the proposed use is consistent with the purpose and intent of the zoning ordinance.

They believe that the consideration of those three items fully supports Council's approval of the application for the following reasons. First, as to the appropriateness of the location, the land again is already zoned R2 and is part of the city and in R2 is low to medium density residential use is an existing permitted use. The site is close to Route 113, which of course is the principal commercial corridor in the city and a wide variety of existing retail food and service businesses already exist in that area.

Public services are available to the site and the development will be served sewer and water by the City of Milford by an extension of those utilities down Williamsville Road.

A traffic impact study or TIS was required by DelDOT and was performed by the applicant under the directions of DelDOT. The TIS was submitted to DelDOT for review and their final TIS review letter was actually just issued on April 15, 2022. A copy of that TIS review letter is in the packet.

In summary, DelDOT's review indicated that the applicant would be responsible for the following items. The applicant will do improvements to Williamsville Road, in both directions of travel, within the limits of the parcel's footage to meet DelDOT road standards.

The applicant will construct development entrances in accordance with the standards, including a left turn lane and a thru lane on eastbound Williamsville Road and a right turn and thru lane on westbound Williamsville Road.

The applicant would be required to enter into a traffic signal agreement with DelDOT for a signal to be installed at the Williamsville Road/Route 14 intersection when DelDOT determines that signal to be warranted according to DelDOT's traffic manual criteria.

The applicant would also make an equitable share contribution, as determined by DelDOT, to an existing DelDOT project, which is the US Route 113/State Route 14 intersection improvement project.

The applicant would dedicate a 15-foot easement along the Williamsville Road right of way to DelDOT. As part of the development, the applicant would construct a 10-foot-wide shared use path along the easement with a 5-foot buffer from the road right of way.

The proposed development was submitted to and reviewed by the Office of State Planning Coordination and other state agencies as part of the state PLUS process. A PLUS letter was issued by the State Planning Office on September 23, 2021, and as stated in the PLUS letter, the site is located in Investment levels one, two and three.

The policy document creates investment levels and investment levels one, two and three are areas where growth is anticipated by the State, County and Municipal Comprehensive plans, and State investments will support growth in these areas.

For those reasons, the location of this proposal development is not only appropriate, but also an ideal location for residential use which is demonstrated by the fact that the City has already zoned it R2.

The consideration for the conditional use is that the proposed use is not in conflict with the Milford Comprehensive Plan. As Council probably knows, after spending many nights working through public hearings and reviews on the comprehensive plan, it has several chapters that address various aspects of the impact of development on the city.

The R2 zoning is already in place and the density is already permitted. Chapter 7 of the plan addresses economic development and the importance of economic impact of development on the City. The proposed development will

create numerous job opportunities during the site development and home construction phase as well as future maintenance and service demands for local businesses.

The future residents of the development will create significant economic impact on local businesses and service companies and will create significant economic benefit to the City government through the flow of future fees for property taxes, utility services, and the City's real estate transfer tax.

Chapter six of the plan is about transportation and sets a goal of enabling the safe and efficient mobility of residents. As discussed, the applicant will be responsible for the roadway improvements and financial contributions as determined by DeIDOT to mitigate both the development's impact and also improve existing traffic conditions.

Chapter eight of the plan talks about natural resources and recognizes the need to ensure that development can occur while recreational and natural assets are sustained. Again, this development was designed with consideration to protect the sites environmental features and the development provides substantial on-site active and passive community open space and recreational activities.

Chapter three of the plan is the community profile. The plan states that Milford can expect significant growth and development for the next decade and that growth is likely to bring increases in residents' income and housing values. The Westwood development is the type of growth that is anticipated by the plan.

Chapter 10, land use and growth management, states that a goal of the plan is the encouraging compatible resilient connected development and growth within the city, with the objective of prioritizing growth on the developable and vacant areas within the existing city boundaries.

The Westwood site is within the city boundaries, is developable, is already zone R2, is currently vacant and according to the plan, is a priority for growth.

Chapter 11, implementation, and intergovernmental coordinate intergovernmental coordination, recognizes that the success of land use planning depends on coordination among the State, the County, and local land use plans. Not only is the development proposed in accordance with the Milford comprehensive plan and zoning ordinance, but it is also located in the investment levels one, two and three under the State where growth is encouraged by State policy and State investment support growth.

The Milford comprehensive plan's future land use map designates the Westwood site as being in the low-density residential area. The low-density resident residential area is a very important point and the plan states that this area represents typical single-family dwellings and duplex development, and other dwelling types may be allowed through a conditional use for a PUD. This is specifically recognized as appropriate by the comprehensive plan in the low-density area.

Last, but probably most importantly Chapter five of the plan is the housing chapter and states that Milford envisions itself becoming a year-round, economic, employment center and providing a balanced housing inventory to accommodate residents of different income levels. The chapter indicates that it is reasonable to assume that the demand for large four-bedroom suburban homes is declining, due to the cost maintenance and transportation factors. But Milford is well positioned to accommodate future housing trends, because the zoning regulations allow for a mix of housing types and communities that blend a mixture of uses as permitted in a PUD.

A goal of Chapter five is to encourage a balanced range of housing types and homeownership opportunities. The Westwood community is exactly the type of development envisioned by the housing chapter of Milford's comprehensive plan.

For those reasons stated, Westwood is a PUD fully in accordance with the comprehensive plan and consistent with the goals and the objectives stated in the plan.

The third consideration in considering a conditional use, is that the use is consistent with the purpose and intent of the zoning ordinance. Pennoni Associates have planned and designed the Westwood development in compliance with the zoning ordinance. They have worked closely with Mr. Pierce and the with the City Engineers throughout this process.

Registered Landscape Architect Eric Wahl of Pennoni Associates introduced himself stating he lives in Milford in Hearthstone Manor. He provided the following information:

He is the current President of the Delaware Native Plant Society and also an adjunct Professor at DelTech where he teaches landscape design, with a focus on native plants. Pennoni Professional Engineer Alan Decktor will follow to discuss utilities, DeIDOT and technical aspects of the site plan.

An aerial image shows the surrounding context of the parcel. Haven lake is to the south, with some additional residential dwellings. To the north is a railroad that creates a boundary on the northern side. To the right, is some additional residential units and to the west are more residential and some farmland.

The existing zoning, the comprehensive plan and state strategies were also shown. He reviewed the R2 existing plan also designated as residential low density and it is in the State levels one, two and three for state spending strategies.

An existing conditions map shows typography of the site, the natural features of the site, the railroad on the north and the Williamsville Road on the south.

Approaching Westwood, on Williamsville Road, improvements to the road as directed by DeIDOT, consist of road widening, designated right turn lane, left turn lane and a shared use path within a 15-foot easement. This path is connected at three points along Williamsville Road. One is at the boulevard entrance into the subdivision. One is at the eastern most connection where Williamsville Road touches the parcel, and one is to west again were Williamsville Road touches the parcel on the corner.

In addition to DeIDOT improvements, utilities will be extended from Route 14 to Westwood. Mr. Decktor will expand on these items, as well as describing the stormwater management off site.

Entering Westwood on the boulevard, berms, ponds, and landscaping will provide a buffer between Williamsville Road and the proposed single-family lots in this area. These lots are intended for detached dwellings. The yellow or gold lots on the plan are for attached dwellings similar to twins or duplexes.

Westwood consists of 340 units, 158 attached, and 182 detached. The density allowed under the PUD is 484 units and Westwood is considerably less or 70% or the maximum allowed. Utilizing the smaller lots allows more open space for the entire community.

Again, review were the PUD requirements, setbacks, and lot widths and maximum height. The minimum block length requested is 225 feet.

Traveling the boulevard will take one to the approximate high point of the site and the roundabout. Across the village green, the community amenity area can be seen centrally located in Westwood. This includes a pool, pool house, recreational fields and a community garden which is a special feature for this subdivision.

Complete with raised beds of varying sizes and a potting shed, it will be a prominent gathering space for residents to share stories, home grown produce, and gardening tips. The subdivision also begins to take a more organic shape away from this area.

Westwood is more traditional in design, with blocks of dwellings laid out with open space behind them. However, beyond this area, the roads become more curvilinear and the movement through the site more organic. The curvilinear roads and the more organic feel was done purposely. The agricultural area of the site lends itself to a more rigid design and, as you travel the site, nature and organic forms are reflected in the layout of Westwood.

Because of this design, one area, the community, and the block of unit numbers 304 to 309, is slightly smaller in block length than is provided in the code. Therefore, a waiver is requested from the minimum block length in this area. The minimum is 275 per code and the request is for 225 feet. Increasing this block width, would result in the alteration of the radial design and the roundabout of Westwood. Thus, creating a negative impact on the vehicular circulation this area.

The proposed roundabout would be subject to a smaller radius and therefore, a smaller open space in its center. The larger diameter provides more expansive views across the circle, to the clubhouse and the lots that face it. This valuable open space is needed as a contrast to the cluster design of the neighborhood.

Traveling north, east, and west from the village green, all lots have access to open space either directly behind or in close proximity. The open space at the north property line is adjacent to the existing railroad. This open space buffer includes existing wooded areas, and in some locations, the elevation of the railroad is depressed from the elevation of Westwood's side property. This will help mitigate sound from the train's wheels. Also proposed is additional landscaping where gaps occur in the existing vegetation.

Providing 43.6 acres of open space is about a third of the entire site. Of that, 14.2 acres is for recreational space.

Traveling West around the existing ponds takes one through a wooded area that creates an entirely different experience. The existing ponds and surrounding woods will be used as a passive open space with trails and gathering spaces in between. The area between the ponds is quite magical and will be a highlight of the community.

Further west requires crossing an existing wetland stream. This will be improved and brought up to compliance as a formal crossing. The views up and down the stream in this area is very stunning and provide a look into a wetland ecosystem.

The western wooded section is yet another experience surrounded by tall trees that helped to create a hamlet or small village feel to this space. This is most likely a remnant of the pine oak forest biome that was part of the Delaware historical landscape.

There are numerous types of ecosystems throughout Westwood, both through existing wooded areas of which 60% are being preserved, as well as proposed landscaping. Much of the proposed landscaping, including the street trees will be native to the area. Roughly 230 street trees are proposed on this plan and that equates to 6.6 acres of canopy cover once they mature.

Native plants are more suited to our local conditions and provide countless benefits in the form of ecosystem services such as habitat and resources for native pollinators and wildlife, especially birds traveling on the Atlantic flyway as they migrate during the year. Other ecosystem services such as water infiltration, oxygen production, carbon sequestering, and providing benefits to the food and soil web, are only a few of the numerous benefits.

Mr. Wahl concluded by stating he hopes the presentation of the site plan explains the intent of Westwood's design, balancing the built and natural environments, and hopefully, realizing better living through better design.

Professional Engineer Alan Decktor with Pennoni Associates then spoke about the technical aspects. Some of the planning to date include a detailed boundary and topographic survey of the property. A phase one environmental site assessment was completed, along with a wetland delineation. A DelDOT traffic impact study, geotechnical work for stormwater management facilities and the roadway design were all completed. Provided by the City of Milford was a utility feasibility study that discusses infrastructure impacts and upgrades to water sewer and electrical.

With stormwater management, a lot of people are concerned with flooding and any development would increase potential runoff. In this case, along with the two existing ponds, they are proposing fifteen new stormwater management facilities throughout the site. The initial soils reviewed the property to be class type A soils that are conducive to high infiltration rates. With a good portion of the property being an excellent recharge area, right now 10 out of the 15 ponds proposed are most likely going to be infiltration basins per the testing that is in the final stages.

They will also conduct a water study balance to make sure that in post conditions, the pre-development infiltration rates and recharges is met accordingly.

As mentioned earlier, the property does have wetlands. There are three segments of branches running along the east and west side of the site. Along those branches, there are existing wetlands that total roughly 8.82 acres of nontitle federally regulated wetlands has been verified by a jurisdiction determination.

The wetlands were delineated by Environment Resources, Inc, and the project has one wetland crossing, as noted and that permit package is being finalized to upgrade the existing crossing in the plans.

The required buffer from the wetlands is 25 feet on average and an approximate 100-foot buffer between the wetlands and the back of the lots. There may be one or two pinch points that are down to 60 feet. But in most cases, it is on average 100, 120 feet buffer between the wetlands and the back of the lots.

The property is in a zone X floodplain and outside the 500-year floodplain so there is no impact to any floodplains.

A utility feasibility study determined the water and sewer would be extended from the intersection of Route 14 and Williamsville Road to the property consisting of a four-inch force main for sewer and a ten-inch water main for water. The ten-inch line along Williamsville Road and throughout the property would have fire hydrants. Not only would it benefit the community itself, but all the properties on the road for additional fire protection.

The project is proposing one pump station inside the site. Everything would be gravity fed to this pump station and a pump station would force it using the four-inch main to the intersection at Route 14.

The utility feasibility study said that all the existing infrastructure and proposed infrastructure all had capacity and no additional upgrades were needed. The feasibility study noted that the existing electrical infrastructure along Williamsville Road would need upgrading. New utility poles and new three phase wiring is being coordinated with the City.

The TIS is completed, and the next phase would be pre-submittal meeting and formal engineering plans for the entrance and roadway improvements. The roadway currently is a twenty-foot-wide road with no shoulders. Their frontage will be upgraded to a twelve-foot-wide travel lane, eight-foot-wide shoulders, a left turn lane, and right turn lane.

Dedicated would be the necessary right of way on the property frontage to DelDOT and also establish a fifteen-foot-wide permanent easement, with a ten-foot-wide shared use path along the frontage with multiple connection points to the road and to the community for use.

With the widening of the road, there was a lot of concern at the Planning Commission meeting of the impact to the properties adjacent or the opposite side of this property. The current plan per coordination with DelDOT is to hold that side of the road and widen everything into this property. As a result, there will be no impact to any properties on the opposite side.

Some drainage improvements may be needed in the right of way. The City of Milford has requirements and guidelines to design the roadways per soil testing. The geo report was conducted to ensure the subbase is properly compacted and the thickness of the payment would be designed appropriately and would handle all fire trucks and emergency vehicles. The layout at the intersections and roadways and turning movements for fire trucks and emergency vehicles has been reviewed. The roadway with fire hydrants and all regulations would be met per the State Fire Marshal regulations.

He concluded by stating the environmental phase one showed no environmental impacts that were uncovered with the existing field and woods.

Attorney Jim Fuqua closed the presentation by stating that a land use application for a conditional use for a PUD is not a popularity contest. He understands that elected officials are sometimes put in a difficult position with making a land use decision when hearing concerns of the people that vote for you and are perhaps acquaintances and friends. It can be a difficult position, but is a position undertaken when deciding to be an elected official.

At the same time, area residents certainly have the right to comment and express their opinions on an application and the Council absolutely should consider those comments. However, Delaware Courts have made it very clear that the Council's decision on a conditional use application must relate to the statutory mandates of the ordinances. That is what they have tried to address in the presentation.

He reiterated their position is based on the favorable recommendation of the City's Planning Commission and the reasons presented tonight. They believe it has been established for the record that the proposed Westwood PUD is located on lands zoned R2 and is an appropriate location for the proposed development. That the Westwood development is in full accordance and compliance with the vision stated in the Milford comprehensive plan and it's totally consistent with the goals set forth in the Milford comprehensive plan. That the Westwood development is consistent with the purpose and intent of the zoning ordinance. The applicant's engineers have worked along with Mr. Pierce and with the City Engineers to assure the development fully complies with the zoning ordinance requirements for a PUD and the proposed development will provide an appropriate mixture of housing options to existing and new residents of Milford. That will result in significant economic benefit to the City and local businesses and is consistent with the State of Delaware investment level maps, the Milford comprehensive plan and the Milford zoning ordinance. For those reasons, they believe the record supports the Council's approval of the application.

Solicitor Rutt asked if any Councilmember has any questions of either Mr. Fuqua, Mr. Wahl, or Mr. Decktor.

Councilman Fulton said it was stated numerous times that this meets all the requirements, but asked if a reduction in the lot size, the lot width, the corner lots, and the frontage area. He said all these variations were being asked.

Mr. Fuqua said no they are not. The PUD has no requirements or very minimal requirements. It basically is the discretion of the Council as to what's permitted. They are not asking for any deviation from the R2 zoning but are requesting a PUD which provides to request those.

If Council finds them justifiable, it is up to Council to approve them. The market is not a market for large single family four-bedroom homes anymore and that is what the PUD accomplishes. He is not saying they are asking for less than the requirements of an R2 district, he is saying the PUD permits those things that are being requested.

Councilman Fulton pointed out that the requirements requested, are less than the PUD chart. Mr. Fuqua stated that he believes what he is referring to is the R2 requirements. If someone was doing an R2 subdivision, they are the requirements that would apply. The ordinance stated that in a PUD, those requirements do not apply.

Councilman Marabello asked if all the homes have garages and Mr. Fuqua stated yes.

Councilman Marabello also asked if electrical poles will be extended along Williamsville Road, according to the engineer; Mr. Decktor confirmed that part of the utility feasibility study provided by the City of Milford indicated the existing electric infrastructure would be upgraded. The utility poles will be replaced, and the wiring replaced.

When asked if there is an Eagles Nest on the site, Mr. Fuqua recalled someone mentioned there was one north of the site, but not on this land. If there is one, this site would be subject to the federal requirements are for maintaining a safe area around the nest.

Councilman Boyle then stated that it appears the back of the houses are abutting the rail line by about 60 to 70 feet from the tracks. Mr. Wahl stated that is correct and there is an actual buffer between the back of the lot and the railroad of about 30 feet. Within that 30-feet is existing vegetation and the land is a little bit higher than the railroad itself in some places, up to four feet and on average, about two feet.

They are requesting is additional landscaping in those areas to help mitigate any sound possible. There was a question of adding berms. If adding berms will regrade and remove all the existing vegetation that is there. Councilman Boyle does not think the vegetation will do enough to dull sound. The other option suggested was a screen or a noise wall. His concern is this is only 60-feet from the back of a house and a boxcar is 60-feet long.

He feels for safety purposes, that needs to be discussed further.

Mr. Pierce stated that pages 80 and 81 in the packet from the State's Plus comments go into more detail about nesting birds. DNREC had provided the list of wildlife they had concerns about that were downstream. There was no mention of any bald eagle.

Solicitor Rutt asked if there anyone who wishes to speak in favor of the application.

Richard Lee of 251 Veteran Circle adjacent to the site. He stated that in his opinion, in light of everything presented, with respect to the economic development and the forward thinking of the City of Milford, if this application is denied, you should really think twice.

Solicitor Rutt then asked if anyone wishes to speak in opposition to the application.

Harry Maxim stated his wife Maureen and he live at 6894 Williamsville Road directly across the street from the proposed subdivision. He apologized because he does not think his questions have been answered is because he doesn't speak lawyer. So, a great deal of what's been said it's unclear. His first problem is with aesthetics. It doesn't appear that anyone has gone and looked at this neighborhood which is primarily made up of older homes that have been around. There are a bunch of new ones, but for the most part, a lot of them have been around a good long time. They are on half acre to acre lots and many of them are on lots that are a lot bigger than that.

It sounds to him like a bunch of cookie cutter houses that are going to be set in a circle. And it will simply not fit in with what is out there. I don't care if ordinances and everything else says that things can be built and sometimes just because you can, doesn't mean you should.

The other thing is he believes he heard that a traffic study was done. He really doesn't care what they said. But what he does care about is that I know in the 23-24 years he and his wife have lived there, the traffic has increased probably five to ten-fold. His home was built in 1949 and they have cracks in the wall that were not there when they moved in. They could go in and out and there were maybe 20 cars on Williamsville Road on any given day. Now, they often have to wait three or four minutes just to get out of their driveway.

It is only going to get worse with 300 and some odd units with two cars per unit. He asked where they are going to go. The road can be widened for that stretch, but then you're just going to bottleneck back into it down by the railroad and going west.

His concerns are aesthetics and traffic and hopes that is taken into consideration.

Carol Sferra of 123 Ivy Lane, right off Williamsville Road, said yes, they do have bald eagles. She sees them fly over her house to Griffith Lake.

Ms. Sferra also questioned the price of the new homes and what kind of impact his will have on the school system even though she is a grandmother. And the impact to the police force which inflict more strain on the officers.

The traffic light was mentioned, and it took her 10 minutes to cross get off Williamsville Road to cross the street to the beauty salon. Definitely with more cars, there will be much more traffic.

The shelves in the food stores are often empty and Council needs to think about bringing in more food and the last thing is the sign that was put on the property. Because it was so small, you could not even see it and there is no way to stop on Williamsville Road because you will get rear ended. And she hopes Council thinks about it.

When asked the price of the housing, Solicitor Rutt said he will find that out and let her know. He will have the applicant or someone else get back up and answer questions once the comments have concluded.

Chad Fry of 2122 Front Street, Houston, is here because his family owns and farms the property directly bordering this property to the west. This City has clear rules a developer must follow when they make a development. One of these being a single-family lot must not be less than 8,000 square feet. For some reason this development made their own rules and lowered it to 6,600 square feet. The minimum lot coverage allowed is 30% but this developer double that to 60%. Both of these decisions increase run off, flooding, and density, as well as decrease groundwater recharge which provides irrigations and clean water.

The reason he points this out is simply regarding phase five of this proposal. If you look at a map, phase five is foolish and irresponsible. This is environmentally sensitive land. Three quarters mile of stream and blue water stream and wetlands surround the property on three sides. It is almost like an island and a person has to cross wetlands to even access it. It is almost non accessible. So, they are destroying all those wetlands for 20 buildable acres. All the wetlands will be destroyed if phase five is allowed, a large part of which is on their property.

Just as has happened along Country Lake Development, which has a larger buffer of about 100 feet between the development and the stream. This development has a 60-foot buffer. That is not enough and every tree the first windstorm uproots all the way down those wetlands. He will take anyone out to his property and show them miles of destroyed wetlands from these developments.

Mr. Fry said if you don't care about the environment or the bald eagle, which nest is directly across the railroad tracks from the stream to the north. It is on the adjacent property but is directly across the railroad tracks. He has been there his entire life.

Once you get past the environmental impact, the larger issue with phase five is it provides a noise and density barrier between the industrial complexes of Baltimore Air Coil (BAC) and Nutrien Ag. Both of these industries are extremely noisy 24 hours a day. They were annexed into the City by Council as industrial property. They were there first and have been there a long time. They provide hundreds of jobs for Milford and probably over \$100 million s for our local economy. Though he does not know the numbers for BAC but for Nutrien Ag, is a huge amount of money.

He asked why Council would jeopardize that by putting houses right up against their property and tearing down the woods, which provides a noise barrier between BAC and Nutrien Ag which runs 24 hours a day and this development.

The City claims they support jobs, so don't drive away the ones we have. Also, when you destroy every piece of open land on a property you push all the wildlife on to other properties which devalues the agriculture value of that property by about 20%. It might sound silly, but agriculture is still the number one economy in the State and these developments are ruining it. It will take 20% directly out of his family's pocket. When you add up the environmental impact, industrial impact, phase five is just foolish.

Tom Coddington lives exactly right across from the entrance of the complex that is being proposed at 6800 Williamsville Road. His biggest concern is his home is the closest of anyone that lives there. The entrance is right across the street from his house. Every car that goes out makes a right hand turn to go west and the lights are going to be going right into his house, because of the proposed entrance.

He spoke last week about it and was just wondering if there is going to be any kind of cost factor that he would have to incur to prevent those lights from coming into his home, or at least make it bearable. They also said they were going to try and keep the road widening on their side of the road, which made him very happy and believes there will be a ditch or something there.

One thing he didn't hear was if there was parking on the roads in the community. He understands it is 25 feet wide because of fire trucks and emergency vehicles. Traffic was already covered but he did not hear the square footage of the houses today.

David Moore lives at 6802 Williamsville Road and is actually right behind Mr. Coddington. They have a shared driveway between Mr. Coddington, himself, and the neighbor behind him. His other neighbor who is across from him is out of town and could not be here. He did contact him, and he is definitely opposed to this. Though we can call this not high density, but it is high density. When he purchased his property two years ago, this is exactly what they were trying to get away from. When he heard the news, his jaw hit the ground.

He read the paper the other day, and he knows everybody does the best possible job they could here. It stated that the Commissioners that voted no for this said they should have further studies. Commissioner Marvin Sharp stated that he wasn't pleased with the plan, but still voted in favor of it. That is mind boggling and if you know that it isn't right, and just because it meets City standards, it was passed, then there is a problem with the standard. All the points said here tonight by the people that live on this road, and he does not know of anyone on this Council that lives on the road. But himself and the people that already spoke are the ones that are directly affected by this development. Putting a traffic light in, but there will still be 600-700 cars. When he bought his place, he thought this is where he was going to spend the rest of his life and it is beautiful and he loves the open land. All he can say is he hopes that Council votes with their heads and hearts and it is not about the almighty dollar. But eventually that is what it is all about and the bottom line.

Mike Nauman who lives on Williamsville Road has a big concern about the impact on the runoff that's going to happen, that right now exists on the road where they're proposing to build is already under water where it passes by that community. Every time there is a heavy rain sometimes there is three to four inches of standing water, which is extremely dangerous. Covering that land in this density is going to create even a heavier problem with runoff and make it more dangerous unless there is some way to channel that water. There will have to be a new bridge built and a lot of things that will have to be changed. Unless that changes, it is going to increase the danger of that road. That road already suffers from many accidents, and they have there over 30 years and have seen the changes throughout the 30 years. Almost every other week, there is an accident on that road, because of the tight turns and people not obeying the speed limits. I imagine, putting another 600 plus cars on the road is going to increase the possibility of death and injuries as far as the accidents go. He thinks this is a little much for the road and he hopes that Council will consider that.

Deborah Hopkins lives at 1107 Williamsville Road and is a lifelong resident of the road. Someone else's said there's like used to be like five cars go by a day and now five cars go by every 30 seconds. It takes her five to ten minutes to cross the road get her mail. There have been people killed directly across the street and the traffic is crazy. There are two other developments within the stretch of the eight-mile Milford-Harrington highway in Harrington. One is behind Food Lion with a planned 180 homes. There are 285 apartments a little bit up the road from the Food Lion Development in Harrington and this one is 340. Together total it is like 700 plus new homes just in that stretch of 7.8 miles on the Milford-Harrington Road.

Everyone that comes here is because they like the area. It is slower and quieter. There is the open space, the farming and all of that. Everything they are escaping from is what this is becoming. It makes her sick to her stomach. The farmland it's all just going goodbye. This is three farms right here and there other developments up the road from this behind the Williamsville Road and someone told her 80 plus houses that is five miles down the road. And the one by Redner's Market will be 100 plus houses. That is more than 1,000 new homes or apartments within eleven miles, and it makes her ill.

It was confirmed that no one was on the phone or on line that wanted to speak.

Solicitor Rutt turned the meeting over to Mayor Campbell to close the public hearing and further deliberations.

Solicitor Rutt then asked the price of the homes being built in this subdivision. Attorney Fuqua said they are obviously in the development phase of this. A building would be brought in after all approvals are obtained. The different units would have different pricing. It would be a market-driven price and believes everyone is familiar with the newer development in the area and it would be something compatible to that. Part of the idea was to build rather than an R2

subdivision, a development that is actually meeting the demand for the type of places people want to live in who are buying homes right now.

Mr. Fuqua understands everyone's comments and he respects those comments, but they are not asking for R2 zoning. R2 zoning already exists and those comments really should have been raised when the city rezoned this to R2, because it is already permitted for residential development at a density greater than is being asked. A lot of those comments really aren't relevant to this particular application.

What he thinks is a superior design in a standard subdivision. That is because of the market and what is being requested.

When asked about the size of the houses, Mr. Fuqua said the size would be based on the setbacks and things of that nature. He would only say, this is consistent with the Milford comprehensive plan, they are not looking for large lot, large home four-bedroom type units. The market is a lot of retiree people moving here and a lot of younger families looking for first homes. So, it would be something geared toward that market.

Solicitor Rutt asked if there has been any study on the impact to the school system; Mr. Fuqua said no other than all of these homes would be contributing school taxes which is the biggest portion of the property taxes.

Solicitor Rutt asked about the impact on the police coverage. Mr. Fuqua stated there is an income flow that is generated by the development. He suspects that all of these factors were considered when the City revised its comprehensive plan and in effect, encouraged development and saying they wanted it to become a residential area. As far as the specific of this development, he does not think it is a specific question and instead a general question and he thinks the City made that decision when they gave the provision in the comprehensive plan.

Solicitor Rutt stated that in looking at the staff report, Milford School District was asked to comment, as was the Milford Police Department, and neither provided comments.

Solicitor Rutt referenced the question about screening of lights, traffic or headlights coming out of the subdivision and also parking on interior roads. Mr. Fuqua said the houses would have a two-car garage. Generally, two additional cars can be parked in the driveway providing four spaces which more than enough to accommodate that parking for the unit. The parking will not be banned but a rare occasion. There are occasions when someone is having a birthday party or a graduation party and at that time, there would be parking on the street, though that is a somewhat rare occasion.

Mr. Fuqua said that pretty much with all developments, the codes and the standards are much more screen downward lights that capture light and direct it where you want to use it. The escape of light is actually a waste of the light. So, it would be geared toward a downward controlled lighting.

Solicitor Rutt said the question was geared toward vehicles coming out of the development, and Mr. Fuqua said that is not an uncommon problem because there's an entrance somewhere and if there is someone across the street, they are going to be affected. That would be whether it is this development or an R2 subdivision. The applicant is going to work with DelDOT to try to design that and speaking for this applicant, they have worked with the property owner across the street in terms of landscaping and things to try to minimize any impact. He believes he can represent on behalf of Mr. Stamato; they would work with a neighbor to do that.

Solicitor Rutt said he called two or three times, and no one responded.

Mayor Campbell said Council has heard all the pros and cons. The Planning Commission passed it three to two. Two of the Commissioners wanted to go a little further, but they did not deny it. But they said no. He is going to ask Council to consider the pros and cons.

Councilman James said he wanted clarification for the gentleman that made the statement. The City of Milford does not levy a school tax and that is done through the County. The school tax is not part of the City of Milford's property taxes.

Councilman James also noted the question regarding runoff and asked for clarification. The gentleman that did the presentation indicated that the runoff would actually be improved, because of the additional ponds that were being placed on the property.

Solicitor Rutt said the site plan shows about 15 ponds in addition to the two natural ponds.

Councilman Boyle said he can speak to experience. Where he lives, they have stormwater management ponds and they do work and they do divert the water into the ponds and it keeps it off the streets and it does not spill out of the development onto the roads. With this number of ponds, he does not think it will be a major problem and it would improve the water out on the highway.

Councilman Fulton referenced the comment regarding the number of developments in an approximate eight-mile area, and about all the farms disappearing. He said the farmers have rights, as well as the residents around the farmers, and they have a right to sell their land if they want to. When they sell their land, they have a right to make money from it, and they have a right, just like the residents do, to sell their home to whoever they see fit. He said please do not begrudge the farmers for selling their land, just like someone can sell their homes.

Mayor Campbell said he wanted to make a comment about the concern regarding the schools and the old Middle School will be rebuilt. Certain grades will go in there making a lot more room for other students. He thinks with the new school that will suffice for the time being.

He also noted that we have a new police department being built and the Chief is sitting here. That went through the Citizens Advisory Committee and a vote by the residents of the City chose the design of the police station. Chief Brown works hard every day to make sure we hire qualified police officers and will stay here. The two concerns expressed are minimum at this time according to Mayor Campbell.

Mr. Pierce confirmed the property was annexed in 2006. He also stated that there are two versions of the comprehensive plan—one in 2006 and another in 2018.

Councilmember Marabello moved to defer action for at least one meeting to allow Council to review in more detail in order to come up with the very best for the residents in this area. It has been only two weeks and they just received this last week. Councilman Boyle seconded the motion. Motion failed by the following vote:

Marabello-move to accept the motion as presented.

Boyle-move to approve motion. The packet was not made available until Sunday afternoon when he had a chance to look at it.

Fulton-votes no and though the packet was received on Sunday which is enough time to digest it. There were a number of public comments, the developers provided their input, and he thinks that was extremely so he votes no.

Culotta-votes no and believes the developer has made every effort to provide as much information and accommodate many of the concerns of the resident as possible. It is up to the councilmembers to read the packet in a timely manner. It was available prior to the Planning Commission meeting, and he does not think there is much more to discuss. He believes the concerns were met and while new developments are very controversial, whether it involves density or any other development, he can appreciate that, but this is part of the growth of Milford.

Baer-votes yes and agrees with Councilmember Marabello's comments.

James-votes not based on the *that the abundance of information was provided, I don't believe there is any additional* to be gained to influence the decision, up or down. I think all the wrong information has been presented.

Wilson-votes no based on the information that has been presented very thoroughly, I would say. It meets within the PUD guidelines, our comprehensive plan and everything. I've had a chance to review everything that's before, so no.

Samaroo-I vote yes, based on the concerns.

Solicitor Rutt stated it is a 4-4 vote and Mayor Campbell is the tiebreaker. Mayor Campbell voted no which resulted in a 5-4 vote for denial to defer.

Solicitor Rutt then directed Council to make two separate motions. One for the PUD and the second for the Preliminary Major Subdivision.

Councilman Fulton moved to approve the PUD with the following conditions: maintain the open spaces as indicated and designated recreational areas; any further reduction would require a new vote; an enhanced buffer would be added on the north side along the railroad in accordance with staff recommendations; no destruction of any existing vegetation; no building can taller than 35 feet; provide documentation and comply with any federal laws related to any natural nesting birds, especially the protected bald eagle.

Councilwoman Wilson seconded the motion. Motion carried by the following unanimous roll vote:

Marabello: I vote yes, with the conditions provided by Councilman Fulton.

Boyle: I vote yes to approve the PUD with the conditions as indicated in the motion.

Fulton: I vote yes as stated in my motion.

Culotta: I vote yes with the conditions.

Baer: I vote yes, with the conditions as mentioned in the motion.

James: I vote yes, with the conditions outlined by Councilman Fulton.

Wilson: Yes, based on the conditions that have already been outlined.

Samaroo: Yes, I vote yes and agree with the conditions as stated.

Councilman Fulton moved to approve the Preliminary Major Subdivision as presented, seconded by Councilwoman Wilson. Motion carried by the following unanimous roll call vote:

Marabello: I vote yes, which complies with the zoning code under the R-2.

Boyle: I vote yes it conforms to Chapter 200 and Zoning Code Chapter 230.

Fulton: Yes, it complies with Chapter 200 and Chapter 230 in the Zoning Code, and it also meets the Comp Plan as stated over a number of years.

Culotta: I vote yes based on Planning and Zoning. While the decision may not be popular, he answers to the voters and citizens of the City of Milford, and this will be good for the growth of the City.

Baer: I am going to vote yes based on the proposal from the Planning Commission.

James: I vote yes as outlined in our comprehensive plan and it doesn't meet the requirements of Chapter 230 of our Code and this PUD provides less density than would have been submitted as a regular R-2 subdivision.

Wilson: Yes, based on Planning and Zoning.

Samaroo: Yes, I vote yes based on the Planning Commission and there are no adverse effects with the conditions previously stated.

Mayor Campbell then took a brief break at 8:53 pm and returned to session at 9:06 p.m.

Adoption/ORDINANCE 2022-17

Application of Food Bank of Delaware to amend the previously approved Conditional Use permit of 11.50+/- acres of land in an OC-1 (Office Complex) Zoning District; Property is located on located along the west side of Delaware Veterans Boulevard within the Independence Commons Business Park; Address is 102 Delaware Veterans Boulevard, Milford, Delaware; Present Use: Vacant; Proposed Use: Charitable and Philanthropic Organization; Tax Map: MD-16-173.00-01-02.08-000

City Planner Pierce advised the next hearing involves an amended conditional use application for the Food Bank. The site is in Independence Commons Business Park and is comprised of 11.5 acres at 102 Delaware Veterans Boulevard. City Council granted conditional use approval on May 24, 2021, and the Planning Commission granted preliminary

site plan approval on May 18, 2021, for the construction of a 60,000 square foot food bank facility, approximate two-acre community and education outdoor garden space, and a 3,000 square foot resource center on lot four in Independence Commons.

Some conditions were added by Council to mitigate pending negative impact on the adjacent Delaware Veterans Home and other neighbors in the area. The applicant has since revised the preliminary plan and Mr. Pierce thought it was necessary to bring the revisions back before Planning Commission and Council for confirmation of the re-approval of the preliminary plans.

The applicant now proposes to construct a 67,125 square foot facility, a 3,080 square foot one story packing barn and four 3,000 square foot greenhouse structures as shown on the preliminary plans.

Chapter 230-18(D) requires charitable and philanthropic organizations are conditional uses subject to special requirements set forth by Council.

The revised site plan proposed for greenhouses and a storage structure within the front yard area which required a variance from the Board of Adjustment. The Board reviewed and granted approval of the variance at the April 14, 2022, meeting to allow accessory structures in the front yard area. The plans have also been reviewed and approved for general compliance with the City construction standards.

Also presented was the updated site plan, which shows some of the reconfiguration within the front of the lot. They have also removed the small Food Pickup Building with a drive thru. The packing barn will be kept and proposed are four greenhouses on the northeastern side of the site.

The public notice for the revised conditional use was advertised in the Milford Beacon on April 6, 2022, and owners of all properties within 200 feet of the subject parcel were mailed a copy the public notice. The property was also posted with the public notification sign.

The Planning Commission reviewed the revised conditional use and preliminary site plan application at the April 19, 2022, meeting where they voted to recommend approve both applications by a vote of five to zero.

Councilman Fulton asked if the original conditions applied remain in place. Mr. Pierce explained this is an amendment and it included some hours of operation though they have not yet gotten to the point and are not open. There was also a condition that a tree line be planted to separate the Food Bank from the Veteran Home on the northern boundary and that has been done.

The garden area was also to be handicapped accessible and that is also provide for in the updated plan and will be again addressed in the final approval. All parking on the north side of the warehouse shall be configured to face the building instead of the pond. That was flipped to limit any light that may expand across the pond towards the back of the Veterans Home. They will still erect the memorial shown on the northeast corner of the site and then the facade of the building shall be aesthetically conforming to other buildings.

Food Bank Director of External Affairs Chad Robinson then addressed Council introducing President/CEO Cathy Kanefsky, Chief Operating Officer Trevor Turner and Landmark Engineer Ted Williams.

Director Robinson recalled that last year in May, they presented their plan to move to 102 Delaware Veterans Boulevard. Their plans have been reconfigured though all the conditions imposed at that time will continue to be met in every aspect.

They met with representative of the Delaware Veteran's Home and the City to review the amended plan about two weeks ago to make sure they were continuing to being good neighbors. That remains their intention as they make sure they recognize and appreciate the residents of the home, as well as to be good neighbors to others in the industrial park there including the Greater Milford Boys and Girls Club.

Director Robinson noted the areas near the food plots where walkways and handicapped accessibility was added to allow easier access for the Veterans.

What was intended to be a Pantry Center where folks would come and pick up food is the area that will now have orchard trees. In its place, at the northeast corner will be a grocery type store setup where folks will now come in to select items that they want.

When asked about the Amazon logo, Director Robinson explained the Food Bank has a current relationship with Amazon at their present location. Unfortunately, it will not be the same level at their new site, though they will be adding door dash as an alternative delivery method though both will involve fees.

Kent Court Commissioner Eric Buckson of 59 Yearling Court then spoke stating he was in attendance to support the application. He is present on behalf of Mr. Robinson and the organization and is pleased that Levy Court has been able to financially support the project with some available funds as well.

He also mentioned that he had been called by a couple residents in regard to the previous application but explained that the control actually falls under local government though he did inform them he would attend.

Solicitor Rutt then opened the floor to public comment. No one responded and the public comment session was closed.

Councilmember Fulton then moved to adopt Ordinance 2022-17 and approve the application for the amendment of the conditional use permit keeping enforced all the conditions set forth on May 24, 2021, seconded by Councilman James.

Motion carried by the following roll call vote:

Marabello: I vote emphatically yes. I think it's wonderful what they're doing by looking at the renderings and what an addition to that area, compared to what was proposed once before. We are desperately in need of a Food Bank today and I'm glad it is in Milford.

Boyle: I vote yes as well, to support the application as it enhances the ability to feed the less fortunate in town and I commend the Food Bank for coordinating with their neighbors to ensure that it is a seamless fit with what is already out there.

Fulton: I vote yes. It complies with Chapter 230 and Chapter 200 and definitely is needed resource for the residents of Milford and the surrounding communities.

Culotta: Yes, the Food Bank has done great things and is a gem in Milford because they support so much. He invited people to visit their current facility and restaurant prep school that trains people for restaurant and service jobs. This is just going to make it better, thank you.

Baer: I vote yes and look forward to seeing the finished product because it fabulous I think they continue to be a valuable asset to our community.

James: I vote yes on the motion to approve the provisions to the conditional use and again I want to compliment the Food Bank on the job that they do and what they do in the current facility is great. I am glad to see this enhanced and it looks like it's going to be a beautiful site.

Wilson: Yes, based on all the information before me and it is such a wonderful project and it makes us proud that Milford and there is nothing in between before you get to Wilmington and that is where the Food Banks and aren't we blessed to have the Food Bank here in our town.

Samaroo: Yes, having the Food Bank helps the community, especially with assisting low-income families

Adoption/ORDINANCE 2022-18

Application of Vincent Olsen for a Conditional Use Permit

0.163 +/- acres located along the east side of S. Walnut Street between SE Second Street and Barker Street; Address is 213 S Walnut Street, Milford, Delaware; Comprehensive Plan Designation: Low Density Residential ; Zoning District: R-2 (Residential District); Present Use: Single-Family Detached Dwelling; Proposed Use: Same with Accessory Dwelling Unit; Tax Parcel: 3-30-6.20-053

Director Pierce reviewed the application and documents included in the Council packet. It currently contains a single family detached dwelling and the proposed use is a single family detached dwelling with a detached accessory dwelling unit at 213 North Walnut Street.

The applicant is proposing to convert a portion of the detached garage studio into an accessory dwelling unit. Chapter 239C(5) states accessory dwellings are allowed upon conditional use approval from Council, subject to the conditions outlined in section two of the staff report. It also defines an accessory dwelling unit as an accessory apartment or accessory cottage. Accessory cottage is defined as a separate and subordinate dwelling unit that is located on the same lot as a single family detached dwelling contained in a detached garage or other outbuilding.

Additionally, Chapter 230-21B states single family detached dwellings required two and a half parking spaces per unit. While the accessory dwelling unit only requires one and a half spaces this particular property is required to provide four off street parking spaces which has been met.

Primarily surrounded by residential low density residential zones, there is a C1 properties down the street, which is City Hall. There are also properties in the OC1 which is an older professional building on the corner of Maple and Walnut Street.

The accessory building has access off of the existing Barker Alley.

Copies of the architectural plans for the renovations are also included.

A public notice was published in the Milford Beacon on April 6, 2022, and all property owners within 200 feet of the subject parcel was mailed a copy. The site was also posted with a public notice sign in the front yard.

The Planning Commission reviewed this conditional use request at the April 19, 2022, meeting and recommended approval upon a vote of five to zero.

Applicant Vincent I. Olsen lives at 213 South Walnut Street. He is presenting an application for an ADU which is the first in the City. He plans to move into it as soon as this is approved, and he receives a certificate of occupancy. He can then begin renovations of his house.

Solicitor Rutt clarified that Mr. Olsen's house is going to be renovated, but Mr. Olsen will be living on the site in the accessory dwelling and Mr. Olsen confirmed that is correct.

Mr. Olsen also thanked all who have toured and observed his work and he thanks the City for all their assistance and getting through the permit processes with the County as well.

Solicitor Rutt then opened the floor to public comment. No one responded and the floor was closed to further comments.

There being no further questions, Councilmember Culotta made a motion to adopt Ordinance 2022-18, for the conditional use permit for Vincent Olsen, seconded by Councilman James. Motion carried by the following unanimous roll call vote:

Marabello: I vote yes, based on the Planning Board vote of five to zero

Boyle: I vote yes, the application meets Zoning Chapter 230 under the new provisions for accessory dwelling units.

Fulton: I vote yes it meets Chapter 230 and this being the first ADU congratulations.

Culotta: I vote yes, and this is a long time coming and I'm glad we have an ADU ordinance now. I think the entry to the cost of living in Milford is climbing. I think people that can convert garages and outbuildings into residential spaces is a good thing.

Baer: I vote yes and want to support the new ADU amendment, and also because Planning voted five to nothing.

James: I vote yes, it meets the requirements of the new ADU ordinance and I'm glad to see that that ordinance is actually being put into effect. Congratulations on being first.

Wilson: I vote yes based on Planning and Zoning.

*Proclamation 2022-06
53rd Annual Professional Municipal Clerks Week
May 1-7, 2022*

Mayor Campbell proclaimed May 1st thru May 7th as Professional Municipal Clerks Week:

PROCLAMATION 2022-06
Professional Municipal Clerks Week

Whereas, The Office of the Professional Municipal Clerk, a time-honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county, and international professional organizations; and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim the week of May 1 through May 7, 2021 as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerks, Master Municipal Clerk Teresa K. Hudson and Certified Municipal Deputy Clerk Katrina White, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

City Manager Whitfield said he is happy to recognize Deputy City Clerk Katrina White, who is present tonight, and City Clerk Terri Hudson. Councilman James said we thank them for what they do, and Council concurred.

COMMUNICATION & CORRESPONDENCE

Councilmember Boyle mentioned the recent article in the Delaware State News about the City's Behavioral Support Unit that featured Chief Brown and Jenna Haines the primary Behavioral Specialist

Councilmember Marabello announced the theater just opened the first weekend of Agatha Christie's Murder on the Orient Express and encouraged people to attend.

Councilmember James thanked the City Engineer, City Manager, and staff for all the enhancement work on the streets and sidewalks. There are some concerns about the Church Street/North Street intersection and again thanked the City Engineer for addressing those issues.

He also acknowledged the article and when he first introduced the concept to City Council, from that time to now, he could have read his memo to Council, and it has fulfilled everything he outlined in that correspondence and he is very proud of that.

Councilmember Boyle added that there was a great deal of skepticism in the department in the beginning, but Chief Brown has informed him the patrol officers have accepted and the program is paying for itself. Ms. Haines is getting a lot of praise from the officers now.

Mayor Campbell again acknowledged that Councilmember Boyle again won his seat, and he welcomes him back. Councilman Boyle said that though the turnout was low, by switching to the State of Delaware rolls, it proved to work and everyone in Ward 1 that went was able to vote. There were no reported system breakdowns though he hopes next year there is a bigger turnout and it will eventually prove its worth. He thanked the City Clerk for taking that initiative.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola stated the March financial statements are included in the packet. Cash is unexpectedly strong and operating cash is up. General fund cash dwindled slightly as expected, but utilities are usually softer this period too but were not this year. They were boosted by good results in electric, water and even solid waste. That was offset with sewer cash outflows and ARPA cash outflows and is the reason cash in total was a little bit down.

The enterprise fund P&L is still better than the budget across the board and slightly ahead of last year in terms of dollars. Only a shred lower in margin but adjusting for the new transfer from the water fund to the general fund, would result in being ahead of last year.

He will repeat that the governmental funds are beating the budget in total. By the end of the fiscal year, each of those silos should be beating the budget in each of those individual silos. He thinks the administration variance to budget is a little inflated by the ARPA subgrant program which was approved by Council after the fact. That will be cut in more than half when he invests for that and will even out by the end of the year.

Councilmember James stated that the summary pages entitled cash and investment balance roll forward and the two statements of revenues and expenditures, gives Council some information that it needs when it is making decisions on whether something can be approved and whether the money is available. We have the money or not rest up is just detail, but those summary pages. It provides that executive level snapshot Council needs to make those financial decisions.

Councilmember Boyle moved to accept the Financial Report for March 2022, seconded by Councilmember Culotta. Motion carried with no one opposed.

UNFINISHED BUSINESS

Adoption/Resolution 2022-06/CIP 2022-2027

City Manager Whitfield referenced the CIP that was discussed the past two meetings. As Council requested, a line for broadband feasibility study under electric. A meeting is scheduled tomorrow with a company called Uptown Services out of Boulder, Colorado that specializes in assisting cities with these type of feasibility studies. They provided a ballpark figure of between \$35,000 to \$50,000.

A second public restroom was added in an out year for the downtown area as well.

Finance Director Vitola then added there is no other major changes. Any made are in green (see packet) was to update the PD facility line, based on the bids that were awarded. The total CIP is lower, and some of the dollars from FY23 were shifted to FY24 based on updated timing.

Manager Whitfield reiterated this is a plan and not a budget, which is being worked on right now as part of the operating budget. With Council's guidance, they will identify funding of each of the projects.

The floor was opened for public comment on the resolution. No one responded and the floor was closed.

Chief Brown then stated that he thought the Finance Director was going to say something, but what is not included in the CIP is cars he had requested for next year. He was told tonight that it was not on this CIP plan, and he has nothing to say other than he did request it and anticipated justification at the budget hearing in May.

Finance Director Vitola apologized stating to be clear, he included the two replacement vehicles for FY22 that should arrive in July. The unspent portion is there and the \$900,000 ARPA and Sussex County RTT funding have both been designated and are included for the new 15 vehicles for retainment purposes. He said that Chief Brown also identified three more vehicles, that would be replacement vehicles in the fleet, and he missed them in the budget meeting. When he started crunching the numbers and making the final CIP analysis, it became clear there will not be enough funding in the general fund budgets for three more vehicles.

If Council approves the CIP, it can be revisited in the operating budget. But what is being done in the Parks and Recreation Department and this is the largest single year of street program dollars in the past three years, plus all the outyears of the CIP, there are a lot of items on the governmental side that is difficult to fund in the absence of utility dollars.

Chief Brown said he wants it known that he asked for the additional three cars, and he does not want it to come up later that it was never made part of the CIP. The reason he submitted the request was because his staff asked for the three vehicles for the May budget hearings, so he is not prepared to talk about it tonight. He wants it known that he did ask for three more cars.

Finance Director Vitola recalled there was a verbal indication that another three vehicles were needed. Chief Brown said it was included in the budget he turned in.

Chief Brown will revisit his staff's request to make sure it is necessary. When he wanted the take-home vehicle last year, he thought that money was available to him from the ARPA money. He did not count for replacement cars. The two cars they are getting for last year do not even have chips for rear air conditioners and once they are made, they will have to be put in at some time when available. Plus, the 15 cars he got for the take home program do not have an anticipated build date.

Director Vitola stated that if the vehicles are ordered on July 2 after Council authorizes the budget, and are not in until FY24, after the seventeen cars are received ahead of that, the funding is available.

It was confirmed that Chief Brown has increased his request the number of police cars from 15 to 18, plus two additional vehicles for staff in FY22. Overall, Director Vitola explained this means 20 versus the 17 that were approved and ordered. Then there is funding in the outyears for additional replacements.

Chief Brown argued he did not think the 15 cars were coming out of the budget and were part of ARPA. Director Vitola said they are not being paid by city dollars, but the purchase has to be shown in the budget and the funding source.

The Chief then added that he was planning for replacement cars for what they have. The original 15 was just to get into the program and did not replace anything they had.

City Manager explained there are routine replacement vehicles in the CIP every year.

When again questioned, it was noted that the new 15 vehicles have already been ordered. Plus, the replacement vehicles for FY22 have already been ordered. There will be two additional replacements for FY23 already in the CIP.

City Manager Whitfield pointed out there are two to three replacement vehicles every year in the CIP under the police department. Finance Director Vitola explained there is no extra funding over the 15 vehicles in FY23. Every other year has replacements. Only FY23 only has the 15 vehicles because of the extraordinary costs. With staffing levels and the rationale for the take home vehicles which was they extended the vehicles lives beyond normal patrol vehicles, he downplayed the miss thinking that would be needed that year.

Councilman James said that he wants to look at he equipment replacement and is this because of the time and age of the vehicles and equipment, or because the maintenance is now outweighing the cost to replace. He agrees we are spending a lot of money this year, but he is asking this for all equipment/vehicle replacement.

Director Vitola asked Council to look at the number of projects authorized in the past three years, less how much has been spent, there is \$10-\$20 million worth of projects to complete and \$25.6 million worth of projects in FY23, The \$10.8 being carried over is being met with grants that are in hand, grants that are certain and known, and committed resources among our reserves Council has already approved.

The \$25.6 million for FY23 includes the debt financing for the police building, which is \$11 million in just that year, which takes it to \$14.5 million and another \$3.5 million of known sources of funding and known grants that can be used like ARPA, municipal street aid, the FY23 slice of RTT, etc. With all of that, there remains \$11 million that that will need to go through the O&M budget and consider reserves to fund.

The Finance Director pointed out there is about \$2 million or more requested through the bond bill, and there should be CTF funding, ORPT grants that Parks and Recreation will seek. But that is certainly not enough to cover the entirety of the \$9 million left after the \$2 million.

He agrees we do run surpluses and we are always favorable to the budget. The reason for that is so we can absorb \$9 million worth of extra spending. Now that it is all here and totaled, extra things, even though Chief is asking for three more police vehicles at \$175,000 or another \$350,000 for a second bathroom downtown, the total property tax revenue is only \$4.7 million, but the general fund funs \$11 million in expenses a year right now. It is so difficult to fund that gap or inner fund loans. But now the rates are overdone which is why rate studies are needed to keep them in line before they get out of line with other competitors.

Finance Director Vitola explained it is a much taller order when 20 vehicles are asked for instead of 17. He will work through it and do as best as he can.

Mayor Campbell asked why the City has a shortfall of \$5 million this year; Mr. Vitola and Councilmember James aid that occurs every year.

Councilman Fulton pointed out that property taxes do not cover much, including the police department's budget.

Councilman Fulton moved to adopt Resolution 2022-06 CIP FY2022-2027, seconded by Councilman James:

RESOLUTION 2022-06

ADOPTING THE CITY OF MILFORD FY22 CAPITAL IMPROVEMENT PROJECTS
AND RECOMMENDATIONS FOR FISCAL YEARS 2023 to 2027 CAPITAL PROGRAM

WHEREAS, the Capital Improvement Plan of the City of Milford for Fiscal Year 2022 was prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the plan identifies capital projects and equipment purchases and provides a planning schedule; and

WHEREAS, in the opinion of the City Council, the Capital Improvement Plan, has been presented as accurately, as possible, reflects the City's approved FY22 plan and recommendations for FY23-FY27; and

WHEREAS, funding sources not identified, will be determined in each applicable fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Capital Improvement Plan is hereby authorized.

A copy of the said Capital Improvement Plan, is also on file in the Office of the City Clerk, as adopted by majority vote of Milford City Council on the 25th day of April 2022.

Motion carried.

NEW BUSINESS

Adoption/Resolution 2022-05/Charter Change

City Manager Whitfield stated that Resolution 2022-05 that requests the State Legislature to make a charter change. The change addresses the current reassessment of properties. Our Charter requires a reassessment every ten years with the amended State Law, reassessment now has to be done by each County every ten years. That will allow the City of Milford to piggyback off the county's information.

As part of the charter change, is left the language in that if we do decide, Milford can do its own. However, this will give the ability to use the County revaluations

Finance Director Vitola added there is tremendous money savings and cost \$347,000 in FY22 that will not have to be spent. This is a perfect classic example of intergovernmental coordination and why would we duplicate the same process with two assessors visiting every house in Milford. We had to do it in the past because the last assessment were done in 1973 and 1987 in Sussex and Kent respectively. The city's kept with best practices and now that everyone is on the same playing field it can be accomplished.

Milford uses Tyler on its annual reassessments, and Tyler is going to be busy doing Sussex, Kent, and New Castle counties. The other counties will be freely giving of their of their assessment valuations but he could not get them to enter into a contract. Redoing the charter will save a great deal of money by using a commonsense solution in this situation. .

The floor was open to public comment; no one responded, and the floor was closed.

Councilmember Fulton moved to adopt Resolution 2022-05 authorize an amendment to the City Charter, seconded by Councilmember James:

RESOLUTION 2022-05

AUTHORIZING THE SOLICITATION OF LEGISLATIVE ACTION BY THE STATE OF DELAWARE GENERAL ASSEMBLY TO AMEND THE CITY OF MILFORD CHARTER PROVISIONS FOR THE ASSESSMENT OF PROPERTY VALUATION TO PROMOTE INTERGOVERNMENTAL COORDINATION, REDUCE COSTS FOR DELAWARE TAXPAYERS, AND SIMPLIFY THE PROPERTY TAX ASSESSMENT AND APPEAL PROCESSES THROUGH THE ELIMINATION OF OVERLAPPING PROPERTY ASSESSMENTS

WHEREAS, the City of Milford, Delaware (the "City") is granted the power by its charter, as adopted by the Delaware General Assembly, as amended (the "Charter"), to assess the valuation of all properties within City boundaries, levy and collect property taxes based on said assessment; and

WHEREAS, the Charter requires the City to conduct an assessment at least once every ten years; and

WHEREAS, the State of Delaware adopted Chapter 148, Volume 72, Law of Delaware and several amendments and supplements thereto; and

WHEREAS, the City is situated on the Mispillion River straddling both Kent and Sussex Counties in Delaware; and

WHEREAS, any duplication of like activities across overlapping jurisdictions adds unnecessary costs to Delaware taxpayers, in addition to burdens such as the resulting differences in the timing, valuation, appeal and

other processes, which collectively fail to serve the best interests of owners of taxable property within City boundaries; and

WHEREAS, the City endeavors to serve its citizens as efficiently as possible through cost saving initiatives and intergovernmental coordination wherever possible; and

WHEREAS, amendments to the City's Charter are required to permit the coordination of assessment valuation processes across Kent and Sussex Counties and the City.

. NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. Charter Changes. The enclosed amendments to the City Charter are marked to reflect the changes necessary to permit the intergovernmental coordination required to achieve cost avoidance and other efficiencies to promote the best interests of taxpayers in the City.

Section 3. Further Action. The Mayor, the City Manager, the Finance Director, and the City Clerk are authorized and directed to take such other action on behalf of the City, as may be necessary or desirable to affect the adoption of this Resolution and to carry out the intent of this Resolution, including the publication of any notices and advertisements and the execution and delivery of customary agreements and other documentation.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage.

Motion carries with no one opposed.

Planning Commission Vacancy

Section 57-2 of the City of Milford Code states the Commission shall consist of no less than 5 and no more than 9 members as recommended by the Mayor and appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

Mayor Campbell advised there is a vacancy in the Planning Commission and asked Councilmembers to consider residents interested in filling the position. That is a result of only attending three meetings this year and the reason he was removed.

Mayor Campbell announced that there is a vacancy on the planning commission that needs to be filled.

Councilmember Fulton made a motion to remove the member from the Planning Commission, seconded by Councilmember Culotta. Motion carried with no one opposed.

ADJOURNMENT

Councilmember Marabello moved to adjourn, seconded by Councilmember Culotta. Motion carried.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

