

CITY OF MILFORD
COUNCIL MEETING MINUTES
May 23, 2022

The City Council of the City of Milford met in Regular Session on Monday, May 23, 2022.

PRESIDING: Vice Mayor/Councilmember Jason James Sr.

IN ATTENDANCE: Mayor Archie Campbell
Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta,
Brian Baer and Nirmala Samaroo

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown, and PT Assistant Carlene Wilson

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 are being held in the Council Chambers at City Hall, with attendees also participating virtually.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:00 p.m. However, Mayor Campbell was participating virtually, causing a number of associated audio issues. As a result, he turned the meeting over to Vice Mayor James to preside over the remainder of the meeting.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

Solicitor Rutt opened with the following statement:

When the Milford City Council holds a public hearing on a zoning application, they engage in the legislative process. Zoning applications are enacted through an ordinance which City Council will approve or deny. City Council will hold its own hearing but will consider the Planning Commission's recommendation made at a prior hearing on each application.

Council will make its own independent decision based upon the record made here tonight.

In its zoning and land use decisions, Milford does not discriminate against persons based on race, color, religion, national origin, disability, familial status, sex, creed, marital status, age, or sexual orientation. Any public comments made on the basis of bias or stereotype considering people within these protected classes, will not be taken into consideration by the City Council in its deliberation.

After each application has been announced, the Planning Director Rob Pierce will review with the Council, the pending application, including the decision of the Planning Commission. The applicant and any witnesses, if they may have, will then be called upon to present and explain the application with reasons supporting its approval.

Councilmembers will have the opportunity to ask questions of the applicant or any witnesses regarding the facts and the merits that are presented. We ask the applicant to limit the presentation to 15 minutes, though leeway will be given if it's a very detailed and complicated matter.

After the applicant's presentation, persons who oppose the application will be given an opportunity to speak, followed by anyone who may have comments in general. We ask anyone speaking at these times to limit your comments to three minutes. Again, Council members may ask questions regarding the facts and merits supporting the comments. There will be no

rebuttal by the applicant and the public hearing will be closed after everyone has spoken, unless the Council or mayor wants answers from any speaker on a specific question that may arise during the hearing.

Further, the applicant will not be allowed to question persons who speak in opposition and persons who speak in opposition will not be allowed to question the applicant or witnesses directly. All questions should be directed to me, and we will secure answers to your questions. If you intend to speak, please come to the podium, and state your name and home address before you make your statement. We have also been asked tonight by some Councilmembers, that if you live in the City to state what ward or subdivision you live in, or if you do not live in the City, what subdivision you may live in.

Because of the number of people in attendance, please use the microphone which can be adjusted so everyone can hear. If you represent or speak for a group or organization, please identify who you represent. When you make your statement, please be concise and do not repeat yourself. If there is more than one witness for the applicant, or more than one person in opposition, please do not repeat points that the prior speaker has already stated.

However, you can state that you are in support of someone who spoke earlier. Have your thoughts organized because you're only going to be permitted to speak one time unless you are being asked a question. All persons in attendance should conduct themselves in an orderly fashion. No applause, no cheers, no jeers, or any disruptive behavior that will prolong the hearing or negatively affect the record being made. If you have a cell phone or other telephonic device, please take the time now to turn it off or switch to silent service.

At the conclusion of the public hearing, Council will take the application under consideration and may either approve it or deny it, or it can be deferred to a later date to consider the record being made here tonight.

Since this has been conducted as a virtual online hearing, we will also check to see if anyone joining remotely has a comment. There is also a room downstairs and anyone in that room will be given an opportunity to join in as well.

Adoption/ORDINANCE 2022-20

Application of 1018 Properties, LLC for a Conditional Use Permit

1.084 +/- acres located along the east side of N. Walnut Street approximately 300 feet south of the N. Rehoboth Boulevard intersection

Address: 909 N. Walnut Street, Milford, DE

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present Use: Former Florist Shop

Proposed Use: Contractors' Establishment

Tax Parcel: MD-16-174.18-02-02.00110

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Planning Director Rob Pierce reviewed Ordinance 2022-20 stating the site is a former floral shop and the applicant is proposing to convert the existing commercial building into a food service equipment and HVAC/R contractor's establishment.

The staff report includes the proposed hours of operation of 8:00am to 4:30pm with approximately one full-time office employee and three service technicians that would deploy into the field from this site. Chapter 230-14(C)(4) states contractors, craftsmen, or general service shops, including welding and similar shops, are conditional uses in the C3 zoning district.

Staff's evaluation of the conditional use criteria is included in the packet. The property on the east by North Rehoboth Boulevard and to the north of another property that is zoned C3 and contains retail service-oriented uses. There are two properties, to the south zoned residential that contain single family detached dwellings. The property to the West across walnut street is the site of a portion of the Community Cemetery.

An existing conditioned site plan is also in the packet showing the proposed buildings on the site though the applicant has indicated that all uses would be within the existing building. There are seven parking spaces in the front that would be utilized by the service technicians and the one employee.

A narrative that was submitted by the owner of the property is included in the packet, along with the zoning ordinance.

A copy of the ordinance public hearings was mailed to all properties within 200 feet and was published in the Milford Beacon on April 27, 2022.

The Planning Commission reviewed this at the May 17, 2022, meeting and recommended approval upon the vote of six to zero.

It was noted that additional screening along the southern property line be installed in the form of the fence and/or similar. Mr. Pierce stated a neighbor spoke in favor of the application at the Planning Commission meeting and she mentioned how good of a neighbor they've been already and did not air any concerns about screening. As a result, the Planning Commission did not place any additional requirements on the application.

Trevor Kramer of Merestone Consultants was present to represent Glenn Clark Service Group. He stated as follows:

We are seeking condition a conditional use using the existing site.

Glenn Clark Service Group is a food service equipment HVAC/R service and repair provider based in Lancaster, Pennsylvania. Their plan is to use the existing buildings and property for a branch office for their organization. Their hours of business operations will be from 8:00am to 4:30pm.

They currently have three service technicians working in the lower portion of Delaware servicing all types of food service operations from chain restaurants, health care facilities, schools, and restaurant groups. They would like to employ at least one person at this location to provide phone support, handle small packages and dispatch service technicians.

The only storage on site would be stored inside the buildings though an occasional customer may stop at the location to pick up a repair part.

The current two door garage building will be used for any large item storage and the existing retail space that was used previously for the garden center will be used for small parts stock and office support personnel.

Mr. Kramer confirmed that if Council approved the application, would the applicant be willing to accept the conditions set forth in the narrative as part of the approval with weekday hours and no weekends.

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

Vice Mayor James then asked for a motion.

Councilmember Marabello moved to adopt Ordinance 2022-20 approving the conditional use for 1018 Properties, seconded by Councilmember Baer. Motion carried by the following unanimous roll call vote of those present:

Marabello-Yes there is no adverse effect on the property with the change.

Boyle-Yes it complies with the zoning code and the conditional use application is in line with the zone.

Fulton-Yes and he tried to make a motion but could not be heard.

Culotta-Yes, it is a well-known company and his understanding from the neighbors is they are taking very good care of the property.

Samaroo-Yes based on the Planning Commission's vote to recommend of six to zero.

Baer-Yes and he welcomed them to the third ward.

James-Yes, it is a good repurpose of idle property.

Adoption/ORDINANCE 2022-21

AMENDING AND ADOPTING BY ORDINANCE THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN

Amendment #10

DEEP BRANCH & HERRING BRANCH GREENWAY

3-30-11.00-002.00

3-30-11.00-039.00

3-30-11.13-001.00

| | | |
|-----------------------------|-------------------|-------------------|
| 3-30-11.00-002.03 | 3-30-11.00-039.07 | 3-30-11.13-002.00 |
| 3-30-11.00-002.05 | 3-30-11.00-039.09 | 3-30-11.13-003.00 |
| 3-30-11.00-008.00 (portion) | 3-30-11.00-039.11 | 3-30-11.13-004.00 |
| 3-30-11.00-350.00 (portion) | 3-30-11.13-004.01 | |

Director Pierce reviewed Ordinance 2022-21 and related items in the packet. This is a comprehensive plan amendment being initiated by the City of Milford and entitled Deep Branch and Herring Branch Greenway. This is a proposed amendment to the City of Milford 2018 comprehensive plan affecting twelve parcels and a portion of two parcels located along the south side of Deep Branch and Herring Branch between South Walnut Street and Marshalls Pond.

The staff report includes the list of affected parcels and only one of the parcels is currently within City limits and that is a portion of the Rookery North Golf Course. The future land use designation would be changed from low-density residential to open space, which would align with the intent to preserve this as an open greenway or park area.

The City has acquired already Sussex County Tax Map 330-11.00-039 and is working to develop a greenway master plan for this area. The greenway could include passive and active recreational areas, including bike trails, walking paths, picnic areas, ball fields and alike. This would need to be determined through a master planning effort and under the advisement of the City Parks and Recreation Advisory Board, DNREC, City Council, and the public.

A copy of the February 2022 PLUS comments by the Office of State Planning which were very favorable and is consistent with the original goals and objectives of the Southeast Master Plan of trying to create a large open space area to serve the community.

A copy of the public notice is in the packet and was published in the Milford Beacon on April 27, 2022.

The Planning Commission recommended approval of the comprehensive plan future land use map amendment for these parcels by a vote of six to zero at their May 17, 2022, Planning Commission meeting.

There being no questions from City Council, Solicitor Rutt opened the floor to public comment. No one responded.

The public hearing was then closed.

Vice Mayor James asked for a motion.

Councilmember Boyle moved to adopt Ordinance 2022-21, Amendment 10, amending the 2018 Comprehensive Plan, seconded by Councilmember Culotta. Motion carried by the following 7-0 roll call vote of City Council:

Marabello-Yes as approved by the Planning Board and it is proactive to having more open space in the future.

Boyle-Yes in accordance with the recommendation of the Planning Commission.

Fulton-Yes, the greenway will be excellent addition to the City of Milford.

Culotta-Yes based on the Planning Commission's recommendation.

Samaroo-Yes based on the Planning Commission's recommendation.

Baer-I vote yes, based on the Planning's recommendation and I look forward to the additional parkland.

James-I yes, I think it's important to have this additional park and recreational available for the citizens of Milford and the neighbors of Milford who call Milford their home and use our shopping and recreational facilities.

Adoption/ORDINANCE 2022-22

AMENDING AND ADOPTING BY ORDINANCE

THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN

Amendment #11

TRANSPORTATION CHAPTER TEXT AMENDMENT

Director Pierce reviewed Ordinance 2022-22 is an amendment to Chapter 6 entitled Transportation of the 2018 City of Milford Comprehensive Plan. It incorporates the goals and objectives from the City's 2021 bicycle master plan update,

which was adopted or accepted by Council this past fall and identifies some additional transportation priorities that we want in our comprehensive plan to begin coordinating with the Department of Transportation or the Dover Kent MPO. .

The purpose is to analyze several intersections along North Walnut Street and the Rehoboth Boulevard corridor from US Route 113 intersection, down to Southeast Second Street, investigate the feasibility of converting Southwest Front Street, between North Church Street and South Walnut Street to allow for two-way traffic, investigate alternatives for the Canterbury Road and Airport Road intersection to improve safety for vehicles and other modes of transportation. Also investigate potential improvements to the Jefferson Avenue and South Walnut Street intersection to improve vehicle and pedestrian movements around the existing railroad crossing.

The comments from February 2022 meeting are in the packet and looked favorable upon this, as it shows are intended to coordinate with the State agencies on the implementation and study of these particular transportation priorities.

The Public Notice was published in the Milford Beacon on April 27, 2022.

The Planning Commission recommended approval of this comprehensive plan text amendment at their May 17, 2022, meeting by a vote of six to zero.

Councilmember Baer asked if an alternative truck route is being considered for the State Route 14 area; Mr. Pierce stated no study has been requested.

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

There being no further discussion, Councilmember Boyle moved to adopt Ordinance 2022-22 to amend chapter six of the transportation section of the 2018 City of Milford Comprehensive Plan, seconded by Councilmember Culotta.

Motion carried by the following 7-0 unanimous roll call vote:

Marabello-Yes as approved by the Planning Board six to zero.

Boyle- I vote yes, as recommended by the Planning Board and it is one step closer to realizing the objectives of the City's bicycle master plan.

Fulton-Yes, the studies are desperately needed.

Culotta-Yes, based on planning and Councilman Boyle's comments.

Samaroo-I vote yes, based on the Planning Commission, and believe it is a great way for families to have outdoor activities.

Baer-I vote yes, based on planning.

James-I vote yes, based on the fact that it does provide safe travel for pedestrians and bicycle riders.

Adoption/ORDINANCE 2022-23

AMENDING AND ADOPTING BY ORDINANCE

THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN

Amendment #12

COUNTRY LIFE HOMES, INC.

3-30-11.00-070.00

Adoption/ORDINANCE 2022-24

AMENDING AND ADOPTING BY ORDINANCE

THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN

Amendment #13

MR. WIGGLES, LLC

3-30-11.00-056.00

Solicitor Rutt stated the next two applications are very similar and properties that are next to each other with common interest. There will be one public hearing on the applications, but there are two separate ordinances which will then be considered separately by City Council.

Director Pierce stated for the record, public notices for Ordinances 2022-23 and 2022-24 were published in the Milford Beacon on April 27, 2022 and all properties owners within 200 feet of the subject parcels were mailed a copy of the public notice.

He presented a summary that reviewed the staff reports, along with a complete history of the property.

The City received a comprehensive plan future land use amendment request from the owner of Sussex County parcel 3-30-11.00-056.00 owned by Mr. Wiggles LLC and Sussex County parcel number 3-30-11.00-070.00 owned by Country Life Homes Inc. The applicant requested a change in the comprehensive plan future land use designation of approximately 110 acres of land located on the east side of State Route 1 from low density residential to commercial.

The amendment request would also impact an existing transfer and development rights receiving area. Those potential receiving credits would be shifted over to the existing transfer development rights receiving area number 3 location on Sussex County parcel 3-30.15.00-024.00.

Mr. Pierce clarified this is a comprehensive plan amendment that was not initiated by the City and is a request of the property owner.

The Planning Department compiles amendment requests annually, whether by staff or private property owner driven for review by the Planning Commission and City Council and to be submitted to the State of Delaware Planning Office in the early part of the year. As part of the preliminary land use service review, State agencies issue comments pertaining to those requests. Upon receipt of the PLUS comments, the City would complete any required or necessary public outreach and then hold the required public hearings with Planning Commission and Council.

For this particular request, the amendment was compiled at the end of 2021. An informational workshop was held with City Council in January to inform Council of the intent to submit these amendment requests, including the previous two that were reviewed tonight. A PLUS application was submitted at the end of January, and the PLUS hearing on February 23, 2022.

An open house was held on May 4, 2022, at the City's Public Works Building as part of the public outreach. It was fairly well attended and estimate 70 individuals attended. Representatives of the State agencies, including DelDOT, also participated.

The Planning Commission held their public hearing last Tuesday.

The first property that is owned by Country Life Homes Inc./Ordinance 2022-23 and involves 40 acres of land that is not currently within the City of Milford. It is zoned AR1 in Sussex County and contains an existing dwelling with some related agricultural buildings. It bound on the West by State Route 1, on the South by an existing nine-acre property zoned C3 and owned by the same applicant. It is bound on the east by residential development known as Knollac Acres and is bound on the north by the Mr. Wiggles property which is zoned R1 in the City of Milford.

The second property under consideration is Ordinance 2022-24 owned by Mr. Wiggles and consists of 70 acres of land currently within the City of Milford and is zoned R1 single family residential district and is currently undeveloped and being used for agricultural purposes. This one is bound on the west by State Route 1, on the east by Bucks Road and a property zoned R2 across Bucks Road and to the south by an existing residential development known as Knollac Acres and the Country Life Homes property that is also under consideration.

The exhibit shows the proposed future land use exhibit which would identify these properties as future commercial and also shows the expanded TDR receiving area on the western half of the southeast neighborhood which is at the northwest corner of Wilkins and Elks Lodge Road.

The applicant provided a concept rendering of the Mr. Wiggles and Country Life Homes' properties. This is not a review of that particular plan. If Council approves the comprehensive plan amendment, additional annexation/site plan/subdivision reviews would be necessary, and the public invited.

He then provided a history of the property and noted that a couple Councilmembers may have been on the Planning Commission at the time of the Southeast Master Planning effort.

The City began to receive some pressure to develop areas use of Route 1 in the early 2000s. The City submitted a comprehensive plan amendment requested to the State of Delaware in 2006 to allow the annexation of the McColley parcel east of route one as indicated. Development of this area was contingent on the development of a Master Plan approved by State of Delaware. The City entered into a Memorandum of Agreement in 2008 was signed by the City, State Planning Office, the Departments of Transportation and Agriculture.

Afterwards, the 2008 Comprehensive Plan was adopted in 2009. It was understood that during the creation of the Master Plan, it was understood that all development in the southeast neighborhood would be restricted until the Master Plan was certified by the State. There was a condition of the MOA that stated any development would be withheld until the master planning effort was done.

During the planning process between 2008 to 2011, the subject parcels were considered for commercial land use during its initial phase. As you can see from the land use pattern of the 2008 plan, there are more intense land uses indicating highway commercial, moderate density residential or future commercial. There was a rather intense development proposed in that area with the 2008 plan. Between the 2008 and the adopted 2011 plan, a lot of that was scaled down to be primarily low density residential with the TD are receiving areas, and the commercial areas concentrated on the west side of Route 1.

The subject parcels that were initially considered for commercial uses during the initial phase of the master plan, was ultimately not recommended due to difficulty gaining access and proximity to surrounding residential lands. Just to note the master plan was developed through an inclusive process, which included many residents, community stakeholders and representatives from various State agencies.

The master plan document was finalized and adopted in 2011 and became an amendment to the 2008 comp plan and provided a predictable shovel ready development which incorporated that proactive preservation of farmland on the east side of Route 1 with the TDR transfer development rights program.

Fast forward to 2015, there was an amendment of the SE Master Plan, which shifted the area that's currently the Sussex Bayhealth Health campus from a future land use designation of commercial to employment.

The next amendment was the 2018 Comprehensive Plan update. The plan became a material part of the comp plan it was no longer an amendment. It was actually made an appendix to the plan which helped intertwine the goals and recommendations of the Southeast Master Plan when it was updated with the 10-year mandate.

The last time, the southeast master plan was amended was in 2019 during the development of the transfer development rights program. No modification of any of the future land use designations were addressed, though the TDR receiving areas were shifted so that it limited the number of parcels that were involved in the receiving area, hoping that would lead to better program success. Otherwise, it would have involved a number of strip lots under individual ownerships that would require a partnership. That is the reason it was restricted to mainly four properties. That was the last time the SE master plan was amended, and the current plan being operated under at this time.

A similar request was received back in 2016 to change the same parcels from low density residential to commercial. City Council held a public hearing in October of 2016 and denied the request upon a vote of six to zero. Those minutes are also included in the packet.

The packet also includes a highway commercial inventory analysis similar what has been done with industrial lands to allow the Planning Commission and Council to see the amount of area that has been developed and/or available for commercial uses within the City of Milford.

There is approximately 322 acres of developed C3 property within the City boundaries and approximately 397 acres of vacant or 'underutilized' C3 lands within the City limits.

Of that 397 acres, 245 acres are located along the Route 1 corridor. Bayhealth owns the largest portion of commercial in this southeast neighborhood of around 50 to 55 acres great adjacent to the health campus.

To summarize State Planning's PLUS comments, the amendment request is a significant change to the southeast master plan was which was developed through an inclusive planning process that incorporated input from stakeholders and members of the public. They also mentioned a land use change this significant has a potential effect on quality of life, such as transportation, environmental, and agricultural preservation. One of the main recommendations was to ensure full public consultation and engagement. DeIDOT comments included the prohibition of direct access from Route 1 and that the City should assume access to the subject parcels will be by way of Bucks Road. DeIDOT did acknowledge in February 2022 that the State is working on a Route 1 master plan that will be the subject of workshops in late spring/early summer and when adopted, may or may not include an access road.

One other point is the proposal is inconsistent with the planning efforts so far with the Milford Transportation Improvement District; however, Council elects to approve the amendment request and the City would require the developer to update the traffic study to amend the varying and trip counts between the planned uses of the property and whatever the proposed uses would be. This would be no different than if they weren't in a TID and came in for a development at which time they would have to go through a traffic impact study process as well.

Mr. Pierce then provided another overview of the proposed request of the 110 acres of land on the east side of Route 1 between Cedar Neck Road, all the way up to the former crossover that DeIDOT closed down at Beaver Dam and Bucks Road several years ago. The request is a change from low density residential to commercial. The TDR receiving area of 205 credits would be shifted over to receiving area #3 as part of this request.

He then referenced several letters of support and/or opposition are included in the packet for review.

The Planning Commission reviewed both ordinances at their May 17, 2022 meeting and recommended denial of the comprehensive plan amendments by a vote of 4-2. Reasons for the denial included there was already adequate commercial and inventory already within the City limits and along Route 1, concerns about access to the property and compatible land uses. The two Commissioners who voted against the motion and supported the change to commercial stated the City should give the developer an opportunity to see what can be done with the property and that the proposal would benefit the city from an economic development standpoint.

City Planning Director Pierce then concluded his presentation and asked if Council had questions.

When asked by Councilman Culotta how many units can be constructed on an R1 acre, Mr. Pierce stated that typically an R1 lot is 10,000 square feet so around four units an acre. However, being a TDR receiving area, could increase that to eight units per acre.

Councilman Marabello confirmed that the Red Cedar Farm property will become a low-density residential subdivision with a TDR area of 60%. Mr. Pierce reported the application has been received though he has not yet scheduled it for public hearings.

Councilman Marabello also asked about the property zoned highway commercial owned by Bayhealth on Route 30 and if there is an existing entrance; Mr. Pierce stated that Bayhealth has acquired the existing homes other than the one that has already been converted to a doctor's office.

Vice Mayor James referenced the DeIDOT comment regarding access off Bucks Road and that DeIDOT is working on a master plan and are expected to have workshops this spring 2022 which would provide additional information. Planner Pierce stated they had indicated that was their plan. They had shared their concept their master plan, then we would know what their master plan was and whether access was included or not.

Approximately 18 months ago, the Planner stated they had shared a concept rendering at which he recommended that somebody present this to the Planning Commission and City Council. However, since the master planning efforts was put on hold. He hasn't heard anything from the State since.

However, he suspects the applicant's engineer will have a better timeline and also confirmed that the memorandum of agreement was signed back in 2006 to 2008 by the City and several state agencies, but prior to the adoption of the 2008 Comp Plan. All agreed to the development plan in this area.

When asked what the MOU authorized, Mr. Pierce explained that it stated the memorandum of development set for some perimeters that would lead to the master plan. It basically stated the City would agree to work with the State, the State would agree to work with the City in this planning effort to determine the future land use of that area, plan out utilities, plan for agricultural preservation, which appeared to be a fairly large concern of the State at the time, because of extending into areas where the State had spent a lot of money preserving farmland on that side of Route 1.

It outlined the agreement to work with one another until a master plan was developed. The State would withhold any subdivisions or site plan approvals, and that any future site plan or subdivision approvals would need to be consistent with that plan that would be adopted by City Council which was in 2011.

Vice Mayor James asked if he is correct, in that after 2006, the comp plan or amendments were done in consideration of the memorandum of agreement from 2006 and that it would follow in the spirit of the memorandum of agreement or no; Planner Pierce said yes, but the adoption of 2008 plan was in between the memorandum of agreement and the adoption of the master plan. So, there could be some differences in what was shown in 2008 versus what was finally approved after that master planning effort. But once the master plan was completed, the MOA pretty much replaced the master plan.

Vice Mayor James referenced the 245 acres along Route 1 and asked if the 55 acres owned by the hospital included in the 245 acres and Planner Pierce confirmed that is correct. Vice Mayor James asked if the 190 acres was always vacant or how long it had been vacant and if anything had ever been developed there.

Planner Pierce stated the Hall piece has been commercial since annexed in around the time of the master plan adoption. The commercial area along 36 actually was reduced in size though nothing was built at that particular interchange to date. The Route 14 interchange has some development along the Silicato Parkway that has occurred over the past decade and since their site plan or subdivision was approved. The McColley farm, which is behind that has remained undeveloped. Further north up towards Lighthouse Estates is the Hampton Inn and the church that was built in the past 15 years or so. However, since Mr. Pierce has been here over the past seven years, he has reviewed site plan applications along Silicato Parkway adjacent to Route 1.

When asked if there are any commercial services east of Route 1 in Milford, Mr. Pierce referenced the Hampton Inn north of Milford. Councilman Fulton asked if there is any commercial development east of Route 1 and south of the Route 36 interchange; Mr. Pierce stated there is not, though there is an existing nine-acre piece of land located at the northeast corner of the Cedar Neck Road overpass that is vacant.

Considering the possibility of eight homes per acre on this site, Councilman Fulton asked if Bucks Road would be capable of handling this type of traffic. Mr. Pierce prefaced his answer by stating the City continues to work with DelDOT on the development of a transportation improvement district for this area. The current roadways will not be able to handle the future planning of this site, but DelDOT would evaluate the trip requirements based on the future use of the property, along with any proposed units on Red Cedar Farms, the Isaac property, or the Mills property, as well as any other piece of land in that southeast area determined by its future land use plan.

There being no additional questions from City Council, Esquire James Griffin, addressed Council.

Mr. Griffin then introduced himself, stating he is an attorney from the law firm of Parkowski, Guerke & Swayze Sussex County office. He is representing the owners of the two parcels of land for which amendments have been requested to the City's Comp plan that is Country Life Homes Incorporated and Mr. Wiggles LLC, the owners of 40 acres of the former Dugan Farm and the 70 acres formerly known as the McColley Farm.

Also in attendance is Elmer Fannin and Michael Fannin, along with Alex Schmidt from Century Engineering, who had input in the documents that were submitted with the application and will provide information about roadway access and any other questions directed to him.

He is here tonight to discuss the future land use designations for the two parcels. Currently, they are low density residential currently, but he will discuss the history of these parcels. He provided the following information:

When the City adopted the 2008 comprehensive plan 14 years ago, it changed the future land use designations for these two parcels of land. Prior to that change with the adoption of the 2008 comp plan, the future land use designations for these two parcels had been highway commercial. When those highway commercial designations were taken away through the 2008 comp plan, my client did not own these lands and acquired them later. The parties who did own them at that time had not

taken any steps to develop them commercially and to our knowledge, did not object to the change which basically amounted to a downgrading of the possible future land use designations.

As Mr. Pierce made clear, the action to take away the future land use designations of commercial in 2008 was brought about to prevent further commercial development in the southeast Milford planning area until the City could adopt its 2011 master plan for what is referred to as the Southeast LPA or land planning area.

Mr. Pierce said that by 2006, there was pressure to develop commercial land in this area, but by 2011 when the master plan was adopted that pressure was increasing. As a result, steps were taken by the city to adopt this 2011 Southeast Master Plan. Between 2008 and 2011 nothing happened, and that was the crux of the MOU to put a hold on matters until the city could come up with a master plan for that entire area.

It also should be noted, that when these two parcels zoning was discussed before 2008, there was much less opportunity for access to and from Route 1. At that time, the Wilkins Road overpass did not exist, and the access roads developed in connection with the Bayhealth campus did not exist. Although the possibility of getting access to Route 1 has improved since 2008, the issue of vehicular access to and from these parcels seems to remain a major point of concern with DelDOT. Before the adoption of the comp plan, which he believes both happened in February and March, one before the other. The purpose of that MOU was to ensure cooperation between the city and state agencies regarding future development in that southeast land planning area. That agreement didn't say there could never be any commercial development in the southeast land planning area. In fact, paragraph three of the MOU said the city and state agreed to work cooperatively and coordinate their planning efforts to ensure that interested parties, and it mentioned that developers have proper an opportunity to participate in the plan.

That is the sum total of what his clients are asking for---just an opportunity to participate in the plan. And that is why he is asking the City to change the future land use category of these two parcels from low density residential back to the commercial status they had for some years prior to 2008. It has been fourteen years since these parcels were downgraded to residential.

Although the 70-acre parcel, the Mr. Wiggles parcel was already located within the City and could have been developed fairly intensely at 10,000 square feet per lot, or four units per acre that Mr. Pierce referred to. It hasn't been developed residentially and the highest and best use for that parcel and the 40-acre parcel is already zoned highway commercial, the same as the nine acres that that his client already owns immediately adjacent to these two larger parcels.

That would make the future land use categories of those two parcels consistent with the nine-acre parcel. As everybody here knows, since the approval the master plan in 2011, there has been significant commercial development in the southeast land planning area. In 2015, the adopted plan was amended to allow the Bayhealth Hospital to develop their campus. His client sold the hospital 110 acres that he owned only to allow them to develop the campus at that location.

All of the 110 acres had been previously approved by the City for a mixed-use type of development, including both residential and commercial. But it hadn't been developed when Bayhealth expressed an interest in buying it.

Based on information provided in the letter from PLUS, all of the state agencies who participated in reviewing the request of my client to restore these future land use designations back to its original commercial zone, DelDOT seemed to be the agency with the most concerns, and that was about access to Route 1.

DelDOT's concern about the lack of access is based on the fact that future commercial development of these parcels is not even a possibility, as far as its concern, unless the future land use designation is restored back to its pre 2008 highway commercial status. If this is approved and the comp plan is amended, it is not telling his client that he can do anything in particular and instead is just saying it is possible. If that happens, then DelDOT has indicated they will work with his client toward approving a plan to improve access to these two parcels. Until that happens, they won't take any action to review any plan that are specific in nature or even allow my client to come to them with any requests. That is because they know the City has said no to future commercial on these two parcels for the past 14 years. Unless the City says it will give Mr. Fannin the opportunity to try.

Long and short, a commercial development can be handled on these two parcels from Bucks Road and access is needed from Route 1 as is pretty clear.

But considering what the state agencies, other than DelDOT said in the letter to the City from the PLUS hearing about his client's request to change these designations back to commercial. DNREC reviewers had no comments, concerns, or objections to the proposed amendment. The State Fire Marshal's Office said they have no objection to the comp plan update. The State Historic Preservation Division recommended that on the 40-acre parcel, the former Dugan Farm, they would require an archaeological survey. But that is typical in connection with any major commercial development. As to the 70-acre parcel they said the potential for archaeological resources are low.

Although DelDOT said in the PLUS letter that any road access for these two parcels would have to be from Bucks Road, they also did go ahead to say they were working on the concept for the Delaware Route 1 Master Plan. When it is adopted,

it may or may not include the access road and flyover connection shown on the master plan submitted to the City by his client in connection with these two applications. That position from DeIDOT showing the possibility of the Route 1 access is the change of position for them as they did not hold out any hope for Route 1 access when his client went through the same process and made the same request back in 2016 at the time of the hearings, though the requests were actually filed in 2014. No action was taken for almost two years.

He asks that everyone keep in mind that changing those future land use designations doesn't approve anything. That only means that future commercial is possible.

Although the 70 acres is already inside city limits, the 40-acre parcel would first have to be annexed. Before his client could get a commercial designation and connection with the annexation before his client could file any application to develop those three parcels in a unified way that would use all three of them.

His client has made huge investments in the City by developing Hearthstone Manor, which has been under development since 2003 and contributes heavily to the financial well-being of the City through the collection of transfer taxes at the time of sale. They paid the city for water, sewer, electric, and property taxes for the 500 or so existing housing units that are developed there. He has shown good faith by investing in the City and we're asking only that you give him a chance to further invest in the City by restoring those future land use designations that were taken away from these parcels 14 years ago.

A lot has changed over 14 years and they are asking the City to look forward, instead of remaining static regarding the possibility of future commercial development.

Some issues became apparent during the Planning Commission's vote when it was recorded a vote against. The Planning Commission recommended Council deny these applications. The Commission Member who made the first motion to deny said she was basing her motion on the fact that 50% of the undeveloped C3 commercial land in the City was located along the Route 1 corridor. So, there was no need for any additional commercial land.

The second and third Commissioners voted, also based their votes to deny on the same reasons as the Commissioner who made the motion. That was three out of four Commissioners who voted to deny for the idea that 50% of the land within the City limits that is located along Route 1 indicated no more was needed. With all due respect, it appears to him that the facts were not accurate because his client's two parcels of land, because 245 acres out of the 497 and if you take away the nine acres out of 497. If you take away the nine acres that his client already has that is highway commercial, drops it down to 47.7% and if you take away the 55 acres owned by the hospital, that drops it much further.

A lot has to do with what the meaning is of the word along Route 1 and the dictionary along may mean adjacent, but it also may mean close by. And the context in which it was used here means close by, because Mr. Pierce told you that the Sunnybrae property, former McColley property was included in that 245 acres.

That property does not have access to Route 1 as his client's two parcels do. It was like apples and oranges, but at least the basis for that motion was factually inaccurate and faulty.

It also included some of the Silicato lands and some of those have since been approved for different uses but have not yet been built. So, there is an even further reduction out of the 245 acres.

The same reasoning would apply that the motion to deny at the Commission level should give you a real concern about making the same decision, because Council feels they should support the position taken by the Commission. In truth, the Commission votes that you should pay attention to were those cast by the President Marvin Sharp and Commissioner Jim Purcell who both voted against the motion to deny.

The Commission gave you a faulty recommendation based on facts that were not supported by the record. But the only vote that counts here tonight is how Council votes on these applications. It is not really relevant how the Commission voted on this or arrived at their decision.

Another point relates to State law relating to amendments to the comp plan. It talks about the fact that there are certain elements that you look for in a comp plan and consider when a plan is adopted, as well as when an amendment is made.

Those considerations were items such as transportation, economic development, utility systems, present and future needs of the City, all and this is a quote in the judgment of the City, meaning the Council best promotes the health, safety, and general public welfare of the City's residents. Though he is not a resident of Milford, he thinks he is on safe grounds to say that the folks that testify live outside the City. The majority were not City residents, although they're entitled to be here and speak, because they get notices or are within 200 feet of the boundaries. What is decided and the end result has to be in the best interests of the residents of the municipality.

He asked Council to please consider approving this application to give this land future land use designations and Council is not approving any commercial land use and this is not a promise to allow that in the future. This will only give Mr. Fannin the right to go to the marketplace, to see if there's a commercial developer that would serve a need for the residents of the City and is willing to consider making a huge investment in infrastructure. They could then locate their business on these

tracks of land. Unless he is able to find companies willing to spend that type of money, he will not file a specific application for land use or approval of the site plan. Because he would have to at that point explain what he's intending to have there and how it would fit within the C3 category and serve the needs of the City.

As was said at the Commission level, this will not cost the City a red cent to change these future land use designations to the commercial status it had before 2018. If Mr. Fannin is unable to find a business who is willing to put the money down to locate here, and he can't convince DeIDOT to allow the construction of an access road which is sometimes referred to as a collector road. Council will not have done any harm, because these parcels are not going to get developed. But at least this will give his client who owns it and made a substantial investment acquiring it, the chance to try.

Also keep in mind keep in mind that if you say yes to these applications, if DeIDOT says yes to an access or a collector road, the funding scheme, through which DeIDOT works, which is typically includes 80% federal funds and 20% state funds is not something that happens overnight. So, he stands here talking years and years down the road and it could be five, and it could be ten years, but at least you're letting the owner know that he has the right to talk to people if all these things can fall in place.

You have said no to the development of these two parcels since 2008. After 14 years, it is time to look forward and consider the mere possibility of commercial development of these two parcels.

He appreciates the chance to talk about these applications.

He then reintroduced Alex Smith from Century Engineering who will talk about access issues on behalf of his client Elmer Fannin and hope his applications are approved tonight.

Councilman Marabello asked about the comment Mr. Griffin made about the best use of that property is not low-density housing. Mr. Griffin said we think the highest and best use of those two parcels are for nonresidential uses. Councilmember Marabello added that is the reason he is asking is because the Red Cedar Farm is light residential, and they must have thought low density was the best use of that property.

Councilman Marabello also recalled the other comment of the non-used approved highway commercial on the Sunnybrae Farm and Mr. Griffin mentioned there was no access to Route 1. He asked if they have access to Route 1 through the Silicato Service Road; Mr. Griffin said that unlike his client's plan that is on Route 1 (inaudible).

Councilman Culotta said that essentially Mr. Griffin is essentially saying tonight he is addressing an amendment to the plan to be able to discuss with the State about what type of access could be gotten that would be feasible for commercial. Without that type of access, commercial is pointless. Mr. Griffin said that is correct and agrees with that. He is only talking about future land use designations, and he is not talking about actual land use, in the sense that you're approving anything or we're asking you to approve it. But in addition to working with DeIDOT, MR. Fannin would also need to try to shop this in the marketplace to see if there is a company that is willing to put down the infrastructure or invest the infrastructure they would need because surely the State would call on those developers to put up some of the money for the collector road.

Councilman Culotta said so what he is looking at on the screen, is very, very far down the road and will need many, many layers of approval away from that. Instead, tonight is just a change to the master plan. Mr. Griffin agreed with Councilman Culotta adding that without it, it will remain at the bottom of the barrel.

Councilmember Boyle then asked Solicitor Rutt and/or Mr. Griffin that if the long-term future designation is changed, will the City lose control of the zoning on that. Solicitor Rutt explained that one of these properties is not annexed into the City. This is the comprehensive plan, which is essentially aspirational of the City of what they want to see happen out there. This will have to go back to the State Planning Office for approval before it would become totally effective.

Councilmember Boyle said he understands, but if the City gives it away, can it take it back; Solicitor Rutt said it would be harder to change it back to a residential area and would be putting toothpaste back in the tube. Once it is designated commercial, to change it back to a low density residential would be almost impossible. Mr. Griffin said they did that in 2008.

Vice Mayor James asked Mr. Griffin when both properties were purchased by the current owner; Mr. Griffin said he needed to ask his client. Mr. Griffin spoke with Mr. Fannin and then responded by stating he thinks it was somewhere around 2013 or 2012, in that area. He can be exact about that information if Council needs it.

Vice Mayor James confirmed the purchases were made after 2011 and before 2014; Mr. Griffin said it may show if copies of the deeds were submitted with the application.

Alex Schmidt of Century Engineering then spoke stating he is the licensed professional engineer in Delaware and has been doing this kind of work for over seventeen years. He provided the following information:

His experience is both with private developers doing site development and he has also worked with DeIDOT on large capital projects. That benefit gives him a true understanding of what really goes into these kind of entrance issues. It is not as simple as let's just put an entrance here. He was very interested in that it was quite challenging when Elmer came back to him in 2016, and said he has these properties and wants to put an entrance here and what can be done about it.

They then met several times with DelDOT and were aware of the concerns. This is a high-speed highway, limited access, and is funded with federal highway funds that have certain rules and restrictions about what can be done here. There is a denial of access that exists along certain parts of the highway. So, he had to take a look at this really closely because this isn't just let's put a right-in, a right-out wherever they want and instead there is a lot to consider here.

He looked at several options. The first was just a simple right-in right-out on the existing nine acres that's already commercial. They also looked at realigning the overpass at Wilkins Road which during this time was under construction, but there was an option to realign the overpass so that it lined up directly with the entrance into his client's property. He did consider that which can be done, as far as engineering goes. To rely on this, and then you can take access directly into the nine-acre commercial.

He also looked at realigning the overpass to Rehoboth Boulevard so that you can access into the property using the flyover, with access off of the flyover down into the property.

The one they hit upon and was working collaboratively with DelDOT engineers and Mr. Pierce was in several of the meetings as well, is an access road or frontage road. The best way to describe this is to think about how Route 13 works in New Castle County. Route 13 runs parallel to Route 1, but there is no business access on Route 1 but have business access from Route 13. There is identified off-ramps from Route 1 onto Route 13 which then provides access into the businesses.

He and DelDOT then looked at the development of a frontage road. The way that would work, it would start to peel off of Route 1, south of the Wilkins Road overpass. The Wilkins Road/Route 30 overpass actually tied into this new frontage road and would not have direct access on Route 1. The new frontage road would continue along the property line, separate from Route 1, but will provide the ability to get off at the Rehoboth Boulevard overpass and the frontage road will continue through the property. It would have a right-in right-out on this property and would then tie back into Route 1 northbound south of the Route 36 overpass.

If reading the PLUS comments carefully, DelDOT also referenced the potential for an access road. That is because he has had all these conversations with them, and when that conversation ended, he believes everyone understood this was a potential that could work. The key thing, though, is that DelDOT did not want to get ahead of any of the municipalities. They have learned their lesson in Sussex County with that, when they realized if they start adding entrances where the land use doesn't allow it, or where the land use doesn't support it, then they are already kind of driving the horse for the land use agency.

It is his belief from conversations when he has met with DelDOT, and from the experience of helping other properties, they didn't want that to happen here. It is his opinion that is why they're telling the City to consider access coming off Bucks Road. They do not want to tell the City that access is possible off Route 1 and make it appear that DelDOT has already granted this access and this potential land use to happen.

He believes that DelDOT is trying to leave the decision in the City's hands though they are not saying explicitly that this is impossible. In fact, with what has happened since the last time that Elmer came before Council, DelDOT has already started the TIP process. And he would question why they are looking at putting a TIP here if they're not anticipating any development.

He stated again that his opinion again is in fact that DelDOT may be expecting development will occur on these parcels and they want to make sure that area is encompassed within the TIP so they can reap the benefits from what they get from the developers.

A TID is a designated geographical area where DelDOT is expecting development. They then ask the developers to pay into the TID. Then then take that developer has paid and use it where it is most beneficial to the public. In this case, DelDOT is saying that instead of a developer paying for improvements on his property, maybe it is better that improvements are made elsewhere. DelDOT then has modeling and the back up to do that within their agency.

He also noted that the other thing DelDOT started doing is developing this corridor capacity model.

Mr. Schmidt finds it is interesting the timing of the TID in conjunction with this project and pointed out it is imperative that if the developer was able to get in, now is the time to do that. He wants to make sure this development is included in that corridor capacity model and do not want to come back three or four years later and have to revise the model and change how that affects the TID and have to repeat that process again.

He noted there were questions about why the model hasn't been finished yet, though he is unable to speak for DelDOT, but his opinion is that it is very fortuitous to everybody here that this project gets approved before that model is finished and the public hearing process.

Mr. Schmidt emphasized they do not want to take access off Bucks Road and took into consideration the concerns expressed at the last public hearing. He said that frankly Bucks Road will not work for what is planned here. If the entire parcel is

developed completely commercial, they could come off Bucks Road, but there would be improvements to Bucks Road, including widening and drainage improvements. But they do not want to do that.

They do not want to send traffic through the subdivisions on these local roads and want to keep it on Route 1, where it best fits in with the traffic system.

From his previous experience, this is really the right development at the right location. There are great locations with bad developers that aren't well connected, and nothing will ever happen. There can also be great developers on a bad property and again nothing happens. When he looks at the acreage available along or adjacent to Route 1, he would point out that the Lighthouse Christian Church does not have good access to Route 1. There is a need to go down two local roads to get onto Route 1 and when exiting, there is no light. That is not a good access point and a bad location. Even with the best developer, it will not get good development there.

Silicato is a local developer and has got good connections. He has done pretty well developing his strip of land. Behind him is Sunnybrae. Mr. Schmidt cannot speak to how good of a developer, he is, he would also say that in that area, maybe there is a little more saturation of commercial. The things that are coming in there are taking the choice parcels that are along Route 1 and then slowly migrate back into the Sunnybrae area.

Moving further south, Bayhealth has 55 acres. His opinion again is that Bayhealth is holding those 55 acres for their own expansion in the future. He would summarize that they probably do not want to lock themselves in surrounded by either retail or pharmacies and then not be able to future developed that area. This is the right area, and we have developers, we have potential users that want to come here and have talked to his client about it. But they need to know they can get access and that the City supports it.

Mr. Schmidt said Mr. Fannin is the right developer and he is tied in and knows the realtors and the people that want to be here. He said think of the hospital, that is in a farm field. Every hospital in Delaware has medical offices around and restaurants and hotels. It has radiology and other services when a hospital comes in.

According to Mr. Schmidt, he has gone through himself, on the other side of the table. He lives right down the road from DE Turf. He thought the same thing and there would never be any development east of Route 1. But when a big growth creator and job driver, such as a hospital or a sports field, that development will come in one way or another. There had to be a plan where DE Turf ended up. They went through a process of developing of where commercial would be best. Where would residential be best, and it was in the best interest of the businesses and the communities. That is what he is asking for tonight.

He reminded Council this is the really the first step in a long process and they are just asking Council to support potential commercial here. He gets no commission to do this, and they cannot go build any commercial out of this. They cannot even tell people they are going to build commercial because they do not have commercial zoning. However, he is willing to go back to DelDOT and tell that that Milford supports commercial in this area as an idea, as an aspiration. DelDOT would then come back to him and say, the City has already laid it out and this is what they are looking at. DelDOT does not want to push the City but now that they support it, DelDOT will be able to start talking about access, updating the models and corridor capacity.

The next step will be for Mr. Fannin to start talking to some developers and talk to the City about utilities and get all of those ducks lined up. Then they come back and ask for a change of zone. That change of zone has to go through the whole process, PLUS, public hearings, etc. Everyone will have another opportunity to voice their opinion. It could be zoned to C1 or C2 and not just highway commercial. They are not at the point of worrying about the impact with noise, lighting, vehicles, screening, etc. All those things come later.

There being no further witnesses for the developer, Solicitor Rutt asked if there anyone present to speak in support of the application.

Dave Wilson said he is here for two purposes this evening and to clarify a statement that has been made that there was a letter read into the record last week at the Planning Commission meeting that was not created by him and that he was encouraged to write the letter. He wants to stand before Council and tell them tonight that is absolutely not true. No one encouraged him to do it and as a State Senator from the 18th District who represents all these folks that are out here this evening, 98% are in that district.

His reason for being here this evening, is when he looks at what has happened in Delaware and in Milford and in surrounding areas over the last fourteen years he has been in the legislature, he sees where growth is and sees what has happened. In 2007 and 2008, they discussed the highway, the bypass away from Milford and how to get away from Milford. He said that is not the thing to do and he recalls they were going to divide Lincoln. No—let's not divide Lincoln and let's keep Lincoln and Milford together. We are one community, and we stay together.

He was supportive of that. Then he came back and was quoted that day as saying he did not sign the letter. That is his signature and there was one sent to the Council for tonight and it should be in your packet, and one was sent last week. He

stands by that letter, for the simple reason that we have got to take a serious look on where we are going to put commercial businesses on the east side of Milford; if you look on the west side, look what you've done to the City on the westside. You cannot get down 113 now on a Friday and Saturday night for traffic. Why is there traffic? He sits at a traffic light, then 76 vehicles go through from Fitzgerald's until he can get out on the highway at his place of business on Route 113.

He is not here to discuss his business he is here to discuss the future growth of what happens in the City of Milford. HE has been here for 72 years and can say that Milford was better served 60 years ago than they are today on commercial businesses. He said let's go back and talk about what happened in Milford back in the 60s and 70s. A clothing store, Cooper Smith, Fischer's Furniture, JC Penney's, Derrickson's Men's Store, and a lady's stores. A person could go to Milford and buy a suit of clothes and you could go to Milford and do your shopping. A lady could get an evening dress. A man cannot even get a shirt in Milford with a button-down collar. So come on people, we have to attract businesses back to Milford that will take and serve. Why do people go to Dover, why do they go to Seaford, because Milford doesn't have what it needs right here in Milford. He wants to buy lumber, and does he want to go to 84 Lumber? No, they want to sell him a skid. He wants to buy four 2x4's 16 foot long. This is the reason to look at something on the east side of Milford.

The only reason he is here tonight is not because of the Fannin's. He could care less and would not care if it wasn't Joe Biden—he would be here tonight. If Joe Biden had this same application, Dave Wilson would be here tonight because you have got to look at growth.

When he hears there is 110 acres where 4, 6, 8 houses can be built to an acre, where is the traffic going to go. He said \$16 million of the taxpayer's money because Milford Hospital decided to go to the Fannin property. That is the reason \$16 million was spent and he does not know we need to spend \$16 million to get people off Bucks Road.

Everyone wants to go Rehoboth, wants to go to Milford. He appreciates everyone here. He has two comments. Two comments that were opposition to this. One of them said it will cost him his political career. If it costs him his political career, he is willing to give it up for Milford and that is where he stands, and he is willing to do that to save the east side of Milford.

He had one more comment that came over Facebook that they thought he was for farm preservation. Senator Wilson said he 110% for farm preservation. If he had his way, he would not have the development these people are living in. That is the reason issue and if you look at Dave Wilson as their senator.

He is here tonight to say this is not about Elmer Fannin and is about what is right. That area has been overdeveloped.

Knollac Acres is an example, Hearthstone Manor, Shawnee Acres, Matlinds Estates, West Shores, Sara Glen, Sugar Maple, Cedar Creek Landing. He is here to tell these people that there is a need to look at the future of Milford. He concluded by thanking Council for their time.

No one else wished to speak in support of the comprehensive comp plan change.

Cathy Luff of 15 Goldenrod Circle, and she is not in the City boundaries though her husband owns a business in Milford. Her question would this even be going on if the water had not been run under Route 1 to the east side. She has minutes from the time that was done, and City Council never approved the water be run to the east side of Route 1. The minutes state that because of questions from the legislators, public and the media now claiming this was approved as part of the 2008 referendum. When this was presented to the public, the law required the City to be very specific about the money they would use. There was nothing mentioned about extending water services across Route 1.

The residents had asked how that was done and nothing could be found in the minutes. They went back and asked again to show the approval to have this utility approved and the minutes state it was supposed to be approved, but instead it was just done.

There were questions in the minutes about the developer not paying for the extension of the water. It was also mentioned the burden should not fall on one person. They talked about looking at it to see about splitting the costs. She wonders if the water had not been extended east of Route 1, would this developer be willing to pay today, and she doubts it.

Knollac Acres President Steve Griffin of 30039 Stage Coach Circle, Knollac Acres, outside the city. He is also representing the 64 homeowners that live in Knollac Acres. He thanked Mr. Pierce for providing a lot of information today.

His understanding is the Master Plan was adopted in 2011 and zoned that land as low density residential. Mr. Fannin and his company purchased the land around 2016 after that plan was already adopted. He should have done his due diligence when he purchased the property if this was his plan. That is what you do before you purchase land.

Mr. Griffin also referenced Senator Wilson's comment that the Knollac Acres would not be here if he had anything to do with it. He said that may be right, but we are here. The fact is that land is zoned residential, Knollac Acres exists, and there are thirty plus homes around Knollac Acres, plus Hidden Acres and other homes down Cedar Neck Road.

He asked what the commitment to these residents is; he understands some are in the City of Milford and the rest are referred to as neighbors. One of the councilmembers today said that Council has an obligation not only to the citizens of Milford,

but also to the neighbors of the City of Milford, which is us. He feels it would be moral injustice to approve this, which would open up the gateway for all of the commercial work, that they plan to chase after.

You want to talk about impeding on my backyard that borders this land. If Route 1 has an access road onto their property it is just going to push their buildings further back to my backyard. He does not want to sit there in the evenings listening to trash trucks, listening to tractor trailers, listening to all the commercial chaos that goes on in a commercial property.

The property is zoned residential, and it needs to stay residential.

Mr. Griffin hopes Council votes against this and to keep that property residential and not change the zoning.

Bryan Shupe of 30048 Stage Coach Circle, Milford, apologized for being a little late. His little girl had little league and it was their night for the concession stand.

He stated that he served alongside of you all as Mayor now the State Representative but comes before Council tonight as a resident of Milford. It has been said that we aren't people of Milford or are not residents in Milford. He knows he surely is and has had a business there for ten years. They recently rehabilitated a 20-year vacant building, and he knows all of these people pay their state and federal taxes which help pay for our state roads, helps pay for our parks, helps park for a lot of things here in Milford. Again tonight, we have heard the applicant representatives say that the City representative or the representatives of the State agencies are incorrect about something that they've told you. He would like for us to just recognize and listen to the people that we know we can trust.

We know we can trust our City Planner; we know we can trust our Planning Commission; we know we can trust the Planning Office of Delaware and we know we can trust our own comp plan. And that is what he is asking Council to trust in tonight and to trust tonight the things that we know that we can trust. This is the decision today and do not let anyone tell you that it is not. Because here is what does happen though he knows a lot of the Councilmembers already know it.

Once the comp plan says this is commercial, that will be the exact argument that's used to make it commercial and the reason to rezone it to commercial. That is what the comp plan says and that is what you said as City Council. That is what we need it to be. That has been used as an argument over and over and over during the years, so this is the decision tonight that matters.

Now, again, let me reiterate that we have 245 vacant acres of commercial property on Route 1 and 397 acres of commercial property vacant in the City of Milford. We are there and we have the property to become commercial and fill those voids. It is about the density of people that these large commercial property owners are looking for large outlets. We do not have that, and he knows because he has talked with them personally.

All of our commercial properties, right now, whether it be Milford Plaza or Airpark Plaza, all have some sort of road or infrastructure. Even the hospital has some sort of road or infrastructure between them and the surrounding houses or residential areas. This property would not and would back right up to these neighborhoods. And it will allow up to three and a half stories of commercial property butting up to residential areas. He does not think that is the type of town he wants, nor does he think it is the type of town that Council wants. Instead, we want smart, clean, quality growth that takes all residents into consideration. For that reason, he respectfully asks that this comp plan change is denied.

Vicky Pritchett of 107 Hickory Branch Court, Hearthstone Manor, resident. She has lived in Hearthstone Manor since 2007. She would like to address something mentioned by a real estate agent at last week's meeting. He had commented that the Fannin's, Country Life Homes, and Mr. Wiggles were ethical.

This may seem off topic, but I believe that, whether or not we have conducted ourselves in an ethical manner in our past can be an indication of whether or not we will do so today and in our future. She has personal experience she would like to share, that she believes is pertinent to the important decision that we are asking our City Council to make.

About four years ago, many of the balconies failed in some of the condominium in Hearthstone Manor. A claim was made with the association's insurance company. They sent a structural engineer who reported that the failure was due to faulty construction, so the claim was denied. Country Life Homes built the buildings, yet the association of whom Mike Fannin is the President, imposed an assessment of approximately a half million dollars against the homeowners to pay for those repairs.

She had a meeting with Mike Fannin and the Property Manager and asked for an estimate for the repairs. Prior to that, I had written multiple letters to both of them asking for the repair estimate. Three years have passed, and she still does not have a copy of the estimate. She does not know how much the estimate for the repairs was or how much the contractor was paid.

Instead, she was forced to pay the assessment, because a lien was going to be placed on her home.

She has two rhetorical questions. If she was a contractor and, for example, had installed a window in someone's home that ended up leaving because I didn't put the proper flashing on, would it not be ethical for me to make the repairs?

Her second question is if she sent a bill, wouldn't it be ethical for me to be transparent and forthcoming and provide you with any supporting documents that have been requested.

When the applicant says they are simply asking for an opportunity, she says that if a person does not have a strong sense of ethics, one cannot rely on their intentions.

Thank you.

Howard Webb of Cedar Neck Road stated that any decision made tonight should be based on the facts that we have today. Not on what someone hopes will be down the road somewhere. The applicant's property does not have access to Route 1, nor does it have access to Cedar Neck Road. It could be on Bucks Road, but Bucks Road has very limited capabilities. What it boils down to is our applicant's property has a location problem. And that should not be a city problem.

He asked that Council to take that into consideration and thanked Council.

Peter Goldring also lives on Bucks Road, which seems to be about to get significantly infected. To begin with, we have what looks like a forthcoming residential development on the east side of the road which will add to traffic. When we moved there, we were aware that was probably going to happen. This development doesn't seem to have really considered what it is going to do.

He stated he is also an architect. He noticed that although the engineer got up today and 'described' sort of the roadways and what 'might happen' if it all worked out. Their plan, which they did provide, doesn't show those. It doesn't show how it's accessed. If you count the number of parking spaces on that plan, there are 4,500, give or take a few. If you start treating how many cars that means, it goes to a much higher rate.

The State has already sort of stated, the only way they are right now is Bucks Road. It seems to him if they really want to try and propose what they presented, before they come asking for a change, they really have to do their work, their homework. He does not see it as workable or justified for the community. He sees, as others have seen it before, that somewhat the east side of Route 1 was going to remain mostly residential and farmland. Partially because of the way development occurs and partially because Delaware is pretty low and there is this inference that sooner or later, the water is going to start coming up.

There is a question. The hospital is on the other side, it is higher on higher ground, and it has a good term. They looked when they bought their place. Yes, it is higher than if you go farther east, they were fighting that question. They could have bought a residence farther toward the bay, but they would have found themselves in lower land with questions that go along with that.

He does not personally see this development as particularly beneficial to the way the town works. He also notes that Silicato's development has been mentioned. He wasn't here when it got developed or saw it's a design. But Silicato has a service road and works off the service road. And yes, it gets traffic to Route 1 but was planned with a service that mostly in one direction, and you can get across, but it has a limit that way.

Lucius Webb stated he is a resident of Milford, and his property backs up to Buck Road. He graduated from Milford High School with Senator Dave Wilson and are now almost 73. His family has lived in the Milford since 1867.

He respects Council because they have wisdom, and your wisdom becomes and starts by knowing who you are. Some of Council has great integrity or hopefully all of you. I have heard words at some of you, most of your campaign money came from Mr. Fannin, especially when they were running against Archie for the Mayor position.

He respectfully asks that person to recuse yourself from this vote, because you are prejudiced towards this request.

Thinking about traffic counts, the average homeowner does 10 trips a day or unless a senior citizen, does three trips a day. The average commercial property of 100,000 square feet generates 5,000 trips a day. Extrapolating those numbers and we are talking about 4,000 to 6,000 trips a day as it is currently planned as residences. If it converts to commercial, it goes up to about 55,000 trips a day. Locally, we have a Wawa at the corner of Route 113 across from the bowling alley. From just that site, there are 5,000 trips a day going and coming.

He is here to answer any questions because he has been involved in residential and commercial development and believes commercial development is not the way to go here. He thinks this man who applies is a wise man, even though his integrity has been questioned. He thinks he is very wise and thinks it is prudent to think residential is the highest and best use unless he is willing to sell it to the City of Milford for open space or farming.

This property was acquired in 2010 and 2014. The 70-acre parcel was bought for \$1 million dollars and the smaller parcel was bought for just over \$500,000. He stated those are really good values for the money and he will make a lot of money, if he sells this. A Wawa or Royal Farm currently pays about \$4 to \$5 million for pad site.

Mr. Webb said he appreciates Council's wisdom and consideration and the right choice to recuse themselves.

Chad Roberts of 20951 Surrey Court in Knollac Acres and his previous address was 7145 Wilkins Road which currently has an overpass over it. So, the thought that people in Knollac Acres are not willing to invest in what is good for the town is false. Because his old living room has an overpass going through it. When they heard about that, they didn't fight it and actually went to the State and encouraged them to get it done early because they watched motorcycle fatalities on two consecutive weekends. The thought that everyone he is against change is not true.

He then noted that there are 63 homeowners in Knollac and every one of those residents made a significant investment in that development with their homes. Mr. Roberts does not think that should be ignored because one developer made an investment of \$1,400,000. The property owners of Knollac Acres have invested far more money in their homes and did so with the thought there would be no development adjacent to the development other than houses.

He walks his dogs in the neighborhood constantly and talks to his neighbors and has never heard anyone say they would not welcome houses which is what this property is zoned for and has been zoned for. No one has said let's bring a convenience store or a big box store next to us. All those residents made investments for quality of life, and he does not think that should be ignored, just so somebody can make a few extra bucks.

Donald Morin of 30051 Stage Coach Circle in Knollac Acres. He stated his wife and he recently retired from the US Air Force after 35 years up in Massachusetts. His wife went from Delaware, and when he retired, were looking for a place to live for the rest of our golden years. His wife wanted to come back here because she liked the place so much. He wanted to go to Florida because it was warmer.

They looked at the areas and both looked at over 100 houses in Milford, Georgetown, Lincoln areas. We chose Knollac Acres because it was a very quiet neighborhood, great neighborhood for kids to grow up in. Like the previous gentleman said, to walk their dogs. He sees everybody walking their dogs around the neighborhood. Everyone is friendly and it's a quiet neighborhood. If we put up commercial property right next to that neighborhood, it is no longer quiet and it is not a neighborhood that he wanted to retire in. Crime will go up; we will have to worry about people climbing the fence in our backyard from the commercial property. People parking their cars overnight there because they have no other place to go. That all needs to be taken into consideration. The actual amount brought up to the Planning Commission was 62% of commercial property is undeveloped on Route 1. And that was brought up by the three people who voted to deny the request. Putting commercial property in a residential neighborhood is not right for Milford. All you are doing is looking for trouble and it will find us.

I grew up in a small town where they put up a casino in the area and that town went to crap. Obviously, this is not a casino, but it is still a commercial and will still bring in all kinds of crime, ruffraff, and everything else. On top of the stores, they could put up two-story apartments and now there is a three-story building looking into his backyard.

He also noted there are commissions in the City, the Planning Commission and this Council, and there is a need to trust our fellow workers and colleagues. The Planning Commission decided that it was not right for this area. The two people that said they wanted to give them a chance, said let's see where it can go. Once it is approved commercial, it will never go back, and Council is stuck with it. There is a need to support the Commission, they know what they are doing, they did their research and decided this was not a good area for this, and voted no.

Olinda Coverdale, of 30069 Stage Coach Circle, said that is her married name and she comes from Lima, Peru, a little country in South America. Milford is the only town in the United States where she has ever lived and that's because she married her husband, who's family is numerous. All live in the City of Milford, even though they don't live in the City of Milford and all vote in Milford, for reference as what the lawyer expressed.

She came from a capital city with 10 million people and when she came to Milford, she felt like she was living in the middle of nowhere, because it was so quiet and she thought if something happened to her, no one would ever come to rescue her, because it's so desolate. But she lived on Highway One and thought it was too quiet even though there are trucks traveling all the time. But there was a point where, like her other neighbor said, she decided to live somewhere that was safer. They sold that house, used all their savings, and moved to a place where they thought they could have that.

And now the rules are changing, and she appreciates the Planning Commission forming that first meeting in May, because they had the chance to talk to the people from the Department of Transportation, ask them questions and they were very emphatic about it. There was no what if and they said there will be no access to Route 1. Whatever the developer wants to do, will have to come through the back roads. They might form a commission and she requested a number, because she said she wants to participate in those meetings. But they haven't sent me an email to reply back with the dates of the meetings where they are going to have this supposed corridor. So basically, what the developer is asking is to give them a blank check. If maybe DelDOT approves, then we will see. But as the lawyer has said several times, once you change a zoning of a place, you cannot change it back, because then they can then sue you for loss of income.

They have regulated all this with DelDOT, and they have a clear plan of what they have to do. She thinks we need to trust the master plan that so many professionals have worked, and they know the City of Milford and she is respectfully requesting from Council a denial of this request.

Paul Czapowski of 30080 Stage Coach Circle stated that a lot of my thunder and what he wants to say was already said by others. He is also a United States Marine-a proud Marine, but don't hold it against him, that he comes from New Jersey. His wife told him not to say that, and he said why, why wouldn't I say that; that is where I grew up and was born and raised up there.

But being in the Marine Corp and what he has seen and done, is not a laughing matter. But he loves Milford. It is quiet and peaceful. That area where they're talking about building this commercial. He saw it in Jersey and that is why he left Jersey, because it was getting built up, and it became crazy. He just wanted to leave and get out of Jersey and go to a place where it's nice and quiet.

But he found this beautiful town called Milford and Knollac Acres. There are other developments that he didn't realize where there and it is a beautiful area if someone has not been back there. It is just not Knollac Acres, there is a need to talk to the other people that live there, and they are all opposed to this whole commercial concept as well. It is quiet and yes, there is a hospital there, but it's quiet. It does not border right up to the back of somebody's home.

It is not going to change the structure of the flow of traffic in the summertime. He recalled there was a death last year, when he was coming home from Rehoboth, which by the way, has every retail store you can imagine, which is just fifteen to twenty minutes down the highway. Anyone can just go there and get what someone needs, as far as nice shirts and all that good stuff as the Congressman mentioned. That aggravated him me when he said things like that. He was against us. There are people there that will make families and traditions here in this in this town that are just unspeakable what they can do for this town. Meanwhile, they are going to bring in people with big money to come in and make money off of us, and just ruin the town.

And who is going to pay for that? The taxpayer. The hospital is a great thing there. He said he is 55 years old now and he can use that hospital across the road. But they have properties, and he knows they're going to develop it. They are going to put doctors' offices there not a Wawa.

The flow of traffic is not bad there, but once you put in that commercial, it is going to change that area and it will get worse and worse and more accidents are going to happen. Just like last summer when somebody got killed making a u turn there. He doesn't even take that u-turn there. He goes past there and though he doesn't know the name of the road, he goes over the overpass, and he takes what he believes is Bucks Road, which is the backway into his development, because he is afraid to go there. And he is a Marine, but he is afraid to make that u-turn, because it is hard to judge how fast people are moving. As far as paying for the roads, we are all going to pay for the roads, believe it or not, and our taxes pay for all of that. It doesn't come out of thin air and the developer will find a way to get out of it. He has people waiting to come in there, just salivating to come in there and develop this property and do whatever. Please don't kid yourself. He has stuff lined up or he wouldn't be going through the trouble he's doing by hiring a lawyer.

He is sorry if his investment wasn't well thought out. That is not his problem, but this is a beautiful area and all he is asking is to keep it that way.

Debbie Campbell Gibson, of 103 Hickory Branch Court, Hearthstone Manor, Milford. She stated that back in 2016, we went through this process and a lot of information was provided to us then. At last week's meeting, there was a little bit more than has been offered so far. There are some environmental concerns, and this is not her area of expertise, but I am concerned about having all that additional black topping and how that can affect drainage in the area, especially with the lower water table.

There are environmental concerns and for many of the residents in this area, quality of life. And she did not want to beat the dead horse that everyone has already mentioned. But this kind of development could really change the area, which really is heavily residential and that is what it is zoned for. When that land was purchased, the buyer/owner knew at the time it was zoned for residential. That was then and still is the intention in the master plan that was adopted at that time. She stated she is all for change and all for development, but there is a need to really look at smart development and really look at do we need something right on Route 1. Mr. Wilson alluded the traffic problems on Route 113 on the weekends. But he also needs to look at Route 1 which is crazy in the summertime and that has already started. Traffic is very heavy and has been.

She made the mistake of not long ago, of going south on a Sunday and realizing how long it was going to take to get home, they ended up taking the back roads home because it is already getting that thick with traffic. She can only imagine adding more commercial development in that area that's going to bring more vehicles that we do not need.

As was just pointed out by the gentleman before, Milford has mostly what the residents need. If she needs a dress shirt, she hates to say it, but she orders it online and it arrives quickly. That is the other point—there are a lot of vacant commercial buildings in Rehoboth, Lewes, and Dover. The Dover mall is falling apart, because so many businesses are not surviving the brick and mortar. The last thing Milford needs is more empty buildings.

She is sure that someone is willing to build there, on the backs of our residents.

Her last point as an owner in Hearthstone, she has been here 15 years, and when she purchased, she was told that once the development was fully done, fully completed that the homeowners would be in control of the Homeowners Association. But Mr. Fannin has chosen not to complete it, according to him. Over the past 15 years, the homeowners in Hearthstone do not control our own Homeowners Association and she honestly does not know if that will ever happen. She was led to

believe that the homeowners would be in control of the association and that is who should control it. Realty is the property owners only have one vote and continue to be at the mercy of the builder.

She also questions integrity of the builder and she has no confidence that the development will happen for the betterment of the people. Instead, it will certainly be what he will want. For these reasons, she is asking Council to not approve it and once it is done, it is done and there is no going back. She would hate this development happen and then be stuck with a decision down the road that will be forced upon something that is not for the betterment of the residents and the City of Milford.

There being no additional people on line that wished to speak, Mr. Pierce was asked to read a couple of items that had not been included in the packet.

Planner Pierce stated that the first email was dated May 17th and came in during the Planning Commission meeting but didn't make it in the packet for this evening. It is from Barbara Anderson of 309 Matthew Circle, Matlinds Estates, Ward 1. She stated she opposes the zoning change and the rubber stamp of approval for development.

Milford has got to change and thought needs to be given to people who currently reside in Milford. And to continue to approve development, with no thought given to the increase in traffic is irresponsible. Please vote no.

The second item is a voicemail received by the City Clerk's office back around May 10th. Melody Olsen who lives on Route 36 east of Route 1. She stated she would very much like Council to not approve anything commercial east of Route 1. First, the residents were told there would be no commercial on either side of Route 1, and now there are businesses on the southwest side of Route 1 even though we were told there would be only residential on the east of Route 1.

Kathy Trombello of 6480 Cedar Neck Road stated that a lot of the residents have been through this before. On the other side of Cedar Neck Road, opposite of the land we're talking about now, there was a plan for commercial development that was in Sussex County, so it did not involve the City of Milford. The residents went down to Sussex County Council and had the same kind of discussion with them. Just for the record, she wanted everyone know they understood and sided with the residents and voted down the commercial development on the east side of Route 1.

Solicitor Rutt asked if there was anyone else wishing to speak or anyone who wanted to make a general comment; Larry Trombello of 6480 Cedar Neck Road. He stated we have seen here tonight how much effort and time, thought, and money, including taxpayers' money, has gone into the comprehensive land plan. He feels that after all that work, the zoning they came up with the agricultural and low-density housing, was probably the very best they thought should be in this area. So why again, after all, that work and money, should that zoning be changed because of the request of two individuals.

As he understands from the Planning Commission last week, both Mr. Fannin and Mr. Wiggles knew what the zoning was when they bought the land. So, he will ask the rhetorical question, why would they buy the land if they were not going to use it for what it was zoned for. He certainly wouldn't.

Mr. Fannin and Mr. Wiggles probably thinks the homeowners are trying to keep them from using their land. But they are developers, and they can build single family houses just as easy, as they can build commercial buildings. Let's stick with the plan and keep it residential and let's keep it a neighborhood.

No one else indicated they wished to speak.

Solicitor Rutt asked for a clarification. He stated there were comments by Mr. Griffin and then comments by some others regarding the amount of acreage that is currently within the city limits that is zoned commercial, and the amount of acreage along the Route 1 corridor. Questions were raised about the vote at the Planning Commission.

He stated that Planner Pierce did this inventory analysis on page 75 of the packet. He asked that be explained more and how that was determined so there is clarification for Council as to the basis for the vote at the Planning Commission.

Mr. Pierce stated they took their GIS layer for the C3 highway commercial zoning category, stripped out the right-of-way because the zoning categories sometimes extend completely across the roadway or to the center line. All of that right of way land, or any pieces of property zoned C3 that contained a structure, such as the Delaware Solid Waste Authority or the solar panel field on State Route 14, was removed. It was based or trimmed down to what was usable which leaves a total of 322 developed C3 highway commercial properties. That includes Milford Plaza, Riverwalk Plaza, Airpark Plaza, Cypress Hall Commercial and all those C3 properties that serve the existing community. All of that is situated on 322 acres of land. He further explained that the remaining property, shown on the map as the darker red, is what the Planner consider as undeveloped are underutilized. That includes either an agricultural field or something that maybe underutilized that could contain a house or a couple of old homes that have been converted into commercial uses but could be purchased and conglomerated into something that could mass a commercial development, Within the undeveloped or underutilized areas, there was a total of 397 acres. That means everything that Milford has existing in the C3 zone on this available land.

He emphasized this is just C3 land and does not include the hospital health campus, it does not include the business park or office complex off Airport Road, or the downtown central business district. He is referring to only C3 highway commercial.

Mr. Pierce referenced the left-hand side that contains the values for the developed land, underutilized developed areas that were trimmed out for rights-of-way, or things that might be used for solar panels or quasi government uses. Also noting there is another 40 acres in our comprehensive plan for some properties that we would allow to transition to commercial. However, those were not factored into some of the percentages that are in the column on the left. Though they could be considered for potential growth.

He reiterated the percentages are 55% of the C3 land currently within city limits is either vacant or underutilized which is the 322 to 397. And along Route 1, the southeast area has around 60 acres in between a property that is owned by Key Properties on the west side of Route 1 and the properties owned by Bayhealth. There is about 35 acres at the old marina on Route 36 and about 115 acres at the Route 14 grade separated interchange that is adjacent, has pretty good transportation access to Route 1, Route 14, Tenth Street, and that general area.

The Planner confirmed that there is also land still available up north of the city near Lighthouse is about 35 acres.

The analysis was done similar to what was recently done on the City's industrial inventory to help give Planning Commission and City Council an idea of what is somewhat in the pipeline for commercial growth.

When asked by Council if a service road was put into the property in question, how much acreage would that consume; Planner Pierce stated about 10% of the land or ten to eleven acres.

City Planner said he does not know the details about the construction contract of the water line, but the adoption of the Southeast Master Plan nailed down the City on certain commitments in this particular region and one was to design and construct a regional water facility which included the water tower and the water mains. That is how some of the water has been installed and Bayhealth has installed some of it through the site. Future developers can install portions of it, but the City is a partner in putting in the central water utility for the southeast area based on the approved plan. However, he can not speak to the specific that were referenced but did want to point out the City did make a commitment and the State was aware of that commitment. The document is on the City's website.

A question of whether some of underutilized C3 land would be able to support something as large as a Lowes or similar. Mr. Pierce stated one property that sticks out is the conglomeration of two large lots south of the Cypress Hall property that are owned by Capano Management who is also doing the Cypress Hill residential. That will have a service road constructed behind Route 113 that will come out at the red light south of the Seabury Avenue intersection.

He stated that in his opinion, that property could service a large box store if they wanted to move to the Milford area. There are also several pad sites out front that could support something similar to what has been developed along Silicato Parkway. It is not as large a project but could be set up similar to what is seen on the southside of Camden with restaurants and businesses out front. Though not quite as large, it could accommodate one or two box stores.

He shows it as being improved, but there are spaces between the commercial buildings in the shopping center that could still warrant some infill for some additional strip commercial.

Depending on what Bayhealth has planned, their property could house something large. The McColley Farm is certainly the largest conglomeration of undeveloped land that is in the City that could generate a large commercial center if the market warranted it.

When asked how the Bayhealth campus will be developed, Mr. Pierce prefers not to speak on behalf of Bayhealth.

Mr. Griffin then asked that of the 245 acres that was said to be C3 along Route 1, how many acres were in the southeast planning area; Mr. Pierce stated that the land planning area was originally east of Route 1, but the whole southeast area is about 60 acres and would include the nine acres currently owned by the Key Properties or one of the entities owned by Mr. Fannin. The tract of land across the street is about seven to nine acres and the 55 acres owned by Bayhealth which is 60 to 65 acres in that general area.

Mr. Griffin continued to speak but was inaudible (not at microphone). Mr. Pierce responded by stating that everything has a denial of access on Route 1, but the 50 acres at the Route 30 interchange he would consider having pretty good access. The 35 acres at the Route 36 interchange has pretty good access.

The Planning stated that the 245 acres, minus the Lighthouse Estates portion, maybe 35 to 40 acres could come off that would have pretty good access. He agrees with the statements made earlier that access to this general area in the north part of town is tough where the Hampton Inn is located.

Solicitor Rutt confirmed that no one else wished to speak and that those that wished to speak were able to speak at least once, and he closed the public hearing.

In addition to the two applications that need to be considered by City Council, Solicitor Rutt stated that Chapter 230-58D of the zoning code states that if the planning Commission recommends a denial, the change or amendment cannot become effective unless quote 'by a favorable vote of three quarters of the City Council'.

He explained that to reverse the Planning Commission, a vote of six votes would be needed.

Councilman Culotta stated he wanted to address Mr. Webb's comments about being financially supported. When he ran for mayor, he was financially supported by 20 or 30 people--all residents of Milford, State Cops, business owners, a wide variety of people that supported his vision for what he was running for at the time. In no way does he believe this is a conflict of interest because he voted on other things with the folks who gave him money were involved, both for and against, so there is a limit to how much can be donated to your campaign, and it is \$600 per person. That was all reported through the campaign finance reporting, which all this information is public, and anyone can find it on a web. It also demonstrates how it was spent and none of that money went to him personally, or anything like that. It was spent on campaign signs, buttons, things like that, so he does not believe there is a conflict of interest here.

Vice Mayor James stated that if there was a conflict of interest, Solicitor Rutt would have stated such.

Solicitor Rutt stated that everybody is free to donate to a campaign. As Mr. Culotta pointed out there was many people that donated, and it is all public disclosure. He does not see how someone can recuse themselves for that purpose. He knows that some people may think they should, but we are a small community, and he does not think that is a reason, in and of itself, to be recused. But that is up to the individual to make that decision.

Councilman Culotta said he could understand if he had a business relationship and built houses for the developer, or something like that, there would certainly be a conflict of interest there. But that is not the case here at all. He has to report that money and once over \$2,000 total is raised, it has to be reported to the Campaign Finance Committee for the State of Delaware and it's all public information.

Vice Mayor James stated with all the information being heard and all comments made, he will entertain a motion for the two applications.

Councilmember Boyle moved to deny the applicant's request to change the future comprehensive plan land designation for Ordinance 2022-23, seconded by Councilmember Baer. Motion carried by the following 6-1 roll call vote:

Marabello: I want to preface his decision and his decision is not personal at all and I will still greet Mr. Fannin and say hello to him. Any comments I make are not personal, but I have to do what I feel is best in his heart for the people in Milford. I would like to just make a few accounts. I am going to vote for the denial for a couple of reasons. I commented to Mr. Griffin, and I thought the viability of single-family homes across our area, from the Meadows at Shawnee, is probably very good. The houses in my development, which is almost a mirror image, are selling within weeks because they are designed right with spaciousness. That is one item. The need for commercial is suspect and you see malls failing and one person on the phone I think said so much more is purchased online now, and a lot of private little stores are failing. Overall, and I still think this there is enough room in town, even if it is set back, like the farm behind the Wawa. There are similar malls up in Camden. The main reason I feel it is not compatible with the residential feeling of that area and I have to deny it.

Boyle: I will vote yes to support the motion. Again, like Councilmember Marabello, there is no animosity here, no disdain for anything. I have looked at this with an open eye and full disclosure, I helped write the comprehensive plan in 2016 when I was on the Planning Commission. I understand it and I know why it's there. It is a commitment from the City to look to the future and decide what the City wants the areas to look like. I still find this is probably one of the hardest pieces of property in the City to use for anything else but residential because of its access, its location, and in all honestly, it was bought with the full knowledge and understanding that it was going to be zoned as residential in the comp plan. And I find it hard to really go against the comp plan. I haven't heard anything new in the last four years about this, so my vote is to sustain the recommendation.

Fulton: I will vote with the denial. I was on the Planning Commission on the original denial, and nothing has changed. I do hope that other property has found where commercial can be brought in, but I don't think that this property with the access that's there is capable of supporting the traffic patterns. There is really not enough distance between where this commercial property would be and the residents that live there already. They are our neighbors, and we need to support them as well.

Culotta: I vote no to the denial, for the simple reason that this is just a change to the master plan and only allows a discussion about what possibly could go there. It does not guarantee that they can build anything tomorrow that can't break ground and there will be a whole lot of approvals necessary to get to that point. We are not even close. My concern is that urban sprawl with more housing over there and it is likely that the golf course will become a development.

And it is possible that if a Lowes were to go where Redners is now, in that shopping center, a lot of those folks that live in that part of town are going to come through Milford Ponds. Then we are going to get complaints about people driving through those developments to get over to those retail areas. I appreciate the residents that don't want this right next to them. I do understand that. But I was elected to represent the taxpayers and voters of Milford and not the 64 households that just simply don't want it next to them again. I don't disagree with them in this particular scenario, but he would rather look at the big picture here, so I vote no for the denial.

Samaroo: I vote for the motion to deny the application. I have nothing against economy growth. The reason I moved here is because everything is close by like the shopping center. But based on the citizen concerns and the Planning Commission recommendation of 4 to 2, and the traffic issues, are all concerns and I vote to deny the application.

Baer: Yes, I am going to vote yes to deny and the main reason I vote that way is because I really think it's important to take into consideration all the public comments that we've heard today. I don't think that neighborhood would really suffer with commercial development over there. I also want to support the Planning Commissioners' vote as well and they do good work.

James: I am going to vote yes for the motion that is on the floor. My reasons are this. I know that the issue with DeIDOT in their approach to access is stalled and that needs to be fixed and worked out so Milford can know how to address the comp plan. He has also been on the Planning Commission and participated in writing comprehensive plans also. I know that the comprehensive plans' intents are and is relied upon for developers. It has been for and against us when people come back and make an applications for land use in the City of Milford. I am also concerned about the existing inventory of commercial also. That is not a fault of this developer that Milford has an inventory of commercial that hasn't developed, but it is a concern for the City of Milford. Before any further action is taken is recommended, he thinks there needs to be a lot more work done specifically with the City of Milford, the developers, and other stakeholders as well as DeIDOT.

Motion was adopted by a vote of 6 to 1.

Councilmember Boyle then moved to deny the request to amend the Comprehensive Plan for Ordinance 2022-24, seconded by Councilmember Marabello. Motion carried by the following 6-1 vote:

Marabello: I vote yes for the same reasons I stated for the other one. It is just not compatible to be simple.

Boyle: I vote yes in accordance with the recommendation from the Planning Commission and also again, this is just a location that just is not going to work. I cannot see that it enhances anything, if it was approved as a commercial development, it would only acerbate the problem of traffic and congestion in the southeast area.

Fulton: I vote yes to deny. It could be a different situation if there were access roads, but there are not and there are no plans for them, and I vote to deny.

Culotta: I will vote not for the same reasons I stated earlier.

Samaroo: I vote yes for the same reasons I stated before.

Baer: I vote yes, and I just want to see the City Master Plan held up and supported.

James: I vote yes with concerns about the contingency of the master plan from DeIDOT.

The vote passed by a vote of 6 to 1.

A short recess was taken at 9:32 pm.

Council resumed at 10:05 pm.

Adoption/ORDINANCE 2022-25/Chapter 84 Bicycles, Skateboards, and Other Conveyances

Article II/Bicycle Registration

Due to a problem with the publication, City Manager Whitfield asked that the matter be postponed.

Councilmember Marabello moved to postpone action on Ordinance 2022-25, seconded by Councilmember Fulton. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

None.

MONTHLY FINANCE REPORT

Finance Director Lou Vitola reported the financial statements for the year to date ended April 2022 were included in the packet starting on page 211. Due to some personal time off to attend an event with his daughter out of state, he unable to meet with the City Manager and Councilman James to review a draft of financial statements though there were no major developments.

All four utilities remain stable and ahead of the FY22 budget through April. The general fund also remained ahead of the FY22 budget in total. The amount of the surplus dropped a little bit although the variance of the year-to-date budget was still sound and is expected and incorporated into the new seasonalized budget.

The cash movements in the utilities and the general fund mirror the operating results, so the cash balances and all four utilities are slightly up. The general fund operating cash balance decreased by about a half million dollars, which is the net driver in the total, also expected this time of year and should continue in May and June and through September in the general Fund until next year's tax levy is received.

The March and April reports are important, with respect to the budget. The year-to-date mark activity generally serves as the basis for the first draft of FY22. The budget projection that was reported in the initial address of the budget that was circulated to you before the hearings last week. The year-to-date March activities services as the basis for the first draft of the FY22 budget projection. And the year-to-date April is valuable to further refine the projection.

There was a lot of stability across the report from March to April. We do have greater clarity on the interim tax rolls and that helped refine the property tax projection for the year which is up a little bit.

Another period of Kent County sewer costs and I&I experience helped to refine the production and the budget for sewer, especially considering April had 42% more rainfall than April 2021. It was only 27% higher in volume and only 21% higher in terms of financial impact compared to last April.

Though not comprehensive date, it shows that something, over and above the weather, is helping with I&I at least April 22 verses April 21.

Councilmember Marabello moved to accept the April 2022 Finance Report, seconded by Councilmember Fulton. Motion carried.

UNFINISHED BUSINESS

Adoption/Resolution 2022-07/Updated Council Rules & Procedures

City Manager Whitfield reported the exhibit is missing and the City Clerk has asked to postpone action until the June 13th meeting.

Councilmember Marabello moved to postpone Resolution 2022-07, seconded by Councilmember Fulton. Motion carried.

NEW BUSINESS

Adoption/Resolution 2022-08/Schedules Board of Revision & Appeal Hearing

Required by the City Charter, the following resolution schedules the Property Tax Appeals, though our assessor normally handles such concerns in house.

Being a resolution, the floor was open for public comment. No one responded and the floor was closed.

Councilmember Fulton moved to adopt Resolution 2022-08, seconded by Councilmember Culotta:

RESOLUTION 2022-08 Schedules Board of Revision & Appeal Hearing

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour, and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 25, 2022 at 6:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2022-2023 General Assessment.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 23rd day of May 2022.

Motion carried.

Adoption/Resolution 2022-09/Further Clarification of City of Milford Poll Workers' Salaries ®

Following the adoption of Resolution 2021-22 on November 21, 2022, relating to the payment of City election workers, additional clarification regarding full-time and part-time City employees was required. No other changes were made.

The floor was open for public comment related to the resolution. No one responded, and the floor was closed to further comments.

Councilmember Fulton moved to adopt Resolution 2022-09, seconded by Councilmember Culotta:

RESOLUTION 2022-09
Further Clarification of City of Milford Poll Workers' Salaries

WHEREAS, the City of Milford Charter mandates an annual municipal election to elect a Mayor and City Councilmembers, based on staggered two-year terms of office; and

WHEREAS, there is a need from time to time to hold special elections and referendums for certain annexations, city council vacancies, borrowing scenarios, and other reasons as governed by the Charter and Code of the City of Milford and/ or authorized by City Council; and

WHEREAS, over the past few years, we have seen the critical role our election workers have and how stressful the job can be; and

WHEREAS, these workers have been in short supply in recent years resulting in the need to ensure proper compensation is received for the rigorous work they do; and

WHEREAS, Resolution 2021-22 addressing Election Workers' pay for the purpose of retaining and hiring experienced poll workers to ensure City elections continue to be conducted fairly and efficiently was adopted on November 22, 2021 and became effective ten days later; and

WHEREAS, there is a need to clarify the rate that will be paid to City of Milford Full-time Employees and Part-time Employees.

NOW, THEREFORE, BE IT RESOLVED:

Poll Workers, including Non-City and City Part-Time and Full-Time Employees, shall be paid based on the job they perform on Election Day and any associated training as determined in the following table:

| | Normal Work Day | | Saturday | |
|-------------------|----------------------|------------------------------------|--|------------------------------------|
| Non-City Employee | City Employee Exempt | Full-Time City Employee Non-Exempt | City Employee Exempt* & Part-Time City Employees | Full-Time City Employee Non-Exempt |

| | | | | | |
|--------------------|-------|-----|-------------------------------------|-------|----------------------|
| Board of Elections | \$240 | \$0 | Hourly rate + OT over 8 hours | \$240 | 1.5 x hourly rate |
| Judges | \$200 | \$0 | hourly rate + OT over 8 hours | \$200 | 1.5 x hourly rate |
| Clerks | \$200 | \$0 | hourly rate + OT over 8 hours | \$200 | 1.5 x hourly rate |
| Training | \$50 | \$0 | hourly rate + OT over 8 hours | \$50 | 1.5 x hourly rate |

Motion carried with Resolution 2022-09 replaces Resolution 2022-22

*Exempt City Employees that have election responsibilities as part of job description are ineligible for pay.
Motion carried with no one opposed.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the Council Meeting, seconded by Councilmember Culotta. Motion carried.

Vice Mayor James adjourned the Council Meeting at 10:16 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber