

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 28, 2008

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

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers called the Special Meeting to order at 6:16 p.m.

EXECUTIVE SESSION

Motion made by Mr. Crouch to go into executive session reference personnel issues, seconded by Mr. Kramlich. Motion carried.

Mayor Rogers recessed the council meeting at 6:16 p.m. to go into Executive Session to conduct a discussion regarding personnel.

Return to Open Session

City Council returned to open session at 7:12 p.m.

Mr. Kramlich made a motion to confirm the action taken in Executive Session with regard to a personnel matter, seconded by Mr. Morrow. Motion carried with no one opposed.

Mayor Rogers adjourned the Special Meeting at 7:13 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 28, 2008

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

R. Calvin Clendaniel Associates on behalf of Kent Sussex Auto Care for a Change of Zone from C-3 to R-3 for a portion (1.50 acres) of the 4.31 +/- acres located at 914 North Walnut Street, Milford, Delaware to permit low-rise apartments. Tax Map MD-16-174.18-01-15.00

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers called the Public Hearing to order at 7:01 p.m. and followed with a reading of the Public Notice.

City Planner Gary Norris advised this request was reviewed by the planning commission at the December 2007 meeting. City Solicitor Tim Willard recommended the parcel be subdivided to support the two different zones. At that meeting, a straw vote was taken which indicated the commissioners were not in favor of the rezoning. At the January meeting, the planning commission took another vote though the owner and the developer were not in attendance. At this point, Mr. Norris is recommending council hold the public hearing but not make a final recommendation.

Both the applicant and owner were in attendance.

Architect Robert Clendaniel of R. Calvin Clendaniel Associate Architects in Lincoln was representing the owner. His opinion on the action of the planning commission was that there appeared to be a misunderstanding on what had occurred at the January meeting. In December, following a great deal of discussion, their understanding was to return with a subdivision drawing and the commission would consider the rezoning of 1.5 acres along with the subdivision.

A motion was made to table the application until the applicant was able to proceed with the subdivision and rezoning simultaneously. After that motion passed, Mr. Clendaniel asked how long it would remain on the table in order to determine the length of time they had to provide the additional information needed for the subdivision. He was told a reasonable amount of time. At that time, former Chairman Randy Marvel asked Mr. Clendaniel for his opinion on what a reasonable amount of time would be. Mr. Clendaniel responded that he thought it could probably be presented for the February meeting. That is the reason they did not appear at the January planning commission meeting because their understanding was they did not need to be there.

Mr. Clendaniel feels this hearing is premature before the other issues can be addressed with the planning commission. In turn, he asked to present the plans for council to review, but also requested that any decision be delayed until the planning commission issues are addressed.

He then referred to the drawings presented at the December planning commission hearing though they will be slightly revised.

The first drawing showed the Kent and Sussex Auto Care on Tenth Street and Walnut. The property extends along Salevan Place and to the rear property owned by the cemetery. It wraps around two residential properties zoned R-2, property owned by the Church of Nazarene zoned R-2 and the balance of properties also zoned R-2. They are proposing the subdivision of a 1.5 acre parcel adjacent to these residential properties. The intent is to have the property rezoned to R-3 to allow construction of up to 24 apartment units in a low rise apartment complex.

He reported the units will be 1,000 to 1,100 square feet, three bedrooms, two baths and upscale in nature. Two-car garage parking per unit would be provided for a total of 60 spaces which includes 12 additional spaces. He explained this is a schematic plan that shows two buildings with 12 units though it will be slightly revised.

Mr. Clendaniel believes there is a need for this type of housing in Milford. He stressed that this is a downgrade in zoning and an appropriate use for this property. Property Owner Paresh Parekh said this site has been vacant for many years and an upgrade apartment complex of this nature would be beneficial to the city.

Mr. Clendaniel indicated his surprise by the opposition at the planning commission hearing because a downgrade in zoning is generally welcomed by the neighborhood. They did not address the residents' concerns at that time which is why he felt it was important to bring this back to the planning commission.

He emphasized that the properties surrounding this property are residential and downgrading to residential is much more appropriate particularly considering the various uses allowed in the C-3 zone. The property will be developed at some point and an R-3 would restrict the use to an apartment building. The neighbors' main concerns were traffic generation and stormwater issues which will occur with any type of development.

Mr. Clendaniel presented a chart showing estimated traffic generation with this type project compared to other types of commercial uses allowed in the C-3. A convenience store (approximate size of Wawa) generates almost 2,600 on a Saturday; fast food restaurants generate 2,800 per weekday; auto parts and service centers are estimated at 139 trips per weekday and 206 trips on Saturday. If the auto parts and service center were tripled, it would generate 417 per weekday and 618 on a Saturday. No figures were available for Sundays though a business of that size would be open on Sunday which would generate similar numbers.

The R-3 zone for a 24-unit apartment building has an estimated weekday traffic generation of 158, 172 on Saturday and 146 on Sunday. Sundays is the lighter day which was one of the concerns of the church with the feeling that traffic generated at this site would interfere with their traffic on Sunday. Mr. Clendaniel feels this is a good use in relation to the church. They believe this will generate less traffic than the current allowable uses.

He explained the three-story apartment complex will have first floor garage space with the second and third floors living areas. A preliminary sketch of the property was then shown to council though the garage level will be added.

Once the property is subdivided, traffic would use Salevan Place to exit/enter onto Route 113 or Tenth Street.

Mr. Norris confirmed the R-3 zone presently conflicts with the current comprehensive plan which shows the parcel as commercial. This site will need to be rezoned to be in compliance with the comprehensive plan during its revision in 2008. Mr. Clendaniel was not informed of that conflict.

City Manager advised that if the planning commission and city council agrees, this property could be rezoned to commercial when the comp plan was updated.

Mr. Clendaniel feels that making this area R-3 would clean that entire area up which is all residential with existing homes with the exception of this site.

Mr. Morrow moved to defer action on this application, seconded by Mr. Workman, until after they have presented the entire package to the planning commission. Motion carried with no one opposed.

Mayor Rogers adjourned the Public Hearing at 7:32 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 28, 2008

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

Lynn and Karen McColley for the Minor Subdivision of 53.20 +/- acres into two parcels at 416 Northeast Tenth Street, Milford, Delaware in an R-2 District. Tax Map MD-16-174.19-01-01.00.

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers called the Public Hearing to order at 7:32 p.m.

City Planner Gary Norris referred to the drawing showing the subdivision of an approximate 20-acre parcel of the 91-acre property. The house, driveway and surrounding lands would remain one parcel.

The City of Milford Planning Commission recommended approval of the subdivision.

Property owner Lynn McColley was in attendance.

Mr. Kramlich asked if the property being subdivided is completely within city limits. It was verified the request only involves property within the city.

Mr. Brooks moved for approval of the subdivision, seconded by Mr. Morrow. Motion carried by the following 6-0 roll call vote:

Yes-Ambrose, Kramlich, Workman, Crouch, Brooks, Morrow

Mayor Rogers adjourned the Public Hearing at 7:34 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
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PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

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

Presentation to Retired Milford Police Captain Chris Plack/Mayor Joseph Rogers

Retired Captain Plack was not in attendance. This will be rescheduled for a later date.

Appointment of City of Milford Planning Commissioners

Mayor Rogers announced he is submitting names to fill two vacancies on the planning commission who will serve the remaining terms of resigning commissioners. All new appointments will be made in May of this year.

Paul Hayes of 10 Causey Avenue and Karen McColley of 416 Northeast Tenth Street were named by Mayor Rogers to represent the second and third wards respectively.

Mr. Kramlich confirmed that Ms. McColley was not a realtor or any related profession which would be a conflict.

Mr. Kramlich made a motion to appoint Paul Hayes to the planning commission, as an interim planning commissioner until May of 2008, as a representative of the second ward, seconded by Mr. Workman. Motion carried.

Mr. Kramlich made a motion to appoint Karen McColley as an interim planning commissioner until May of 2008 to represent the third ward, seconded by Mr. Workman. Motion carried. Mayor Rogers said he hopes to have a representative of the fourth ward to fill the final vacancy which can be voted on at the next meeting.

Transfer of Property/Rear Entrance to High School/Sale or Lease

City Manager Carmean advised that School Superintendent Robert Smith was unable to attend tonight's meeting because of a school board meeting.

Referring to the letter from Dr. Smith included in the council packet, Mr. Carmean feels his proposal is essential with regard to the flow of school traffic. He remembers the city's intention has always been that the school would have first option should the city no longer need the property. The school needs something long term and plans to invest a great deal of money in engineering and paving in addition to the improvements of the parking area. Council needs to make a decision whether to lease or sell the property. The letter states that the district would grant the city and land users full access to the use of the road and parking after regular school hours.

Mr. Carmean agrees with the use of the parking after regular school hours, but prefers the use of the road anytime.

Mr. Brooks feels we are already leasing the site to BMX and is willing to work with the school on the use of this land.

Mr. Carmean confirmed that BMX would continue to have full access of the road as needed in addition to the use of the parking area after school.

Mr. Kramlich prefers to sell the property. He said if we lease the property, a number of improvements will be made which will be costly. They will require a long term lease though they will not agree to pay a lot for the lease because of the costs of the improvements. He feels the city will never be able to do anything else with the property. The city could sell this property, get the proceeds and require access to the BMX or the city property. It does not make much sense to lease it out. At that point, why would have to buy it. Even if they did want to purchase it, why would they want to give the appraised value because it could never be sold to anyone else for another use.

Mr. Brooks explained he is only talking about the road. Mr. Crouch said the city could sell it because the city has access to that property through the road.

Mr. Kramlich said he is not talking about selling the BMX property but is talking about the roadway the school wants. He does not understand why it would be leased because the city would never be able to sell or do anything with it. The city will never get any money for it though the city may get \$2 a year for a lease.

Mr. Crouch said the amount of money we get for the lease does not matter; his concern is this would protect the BMX track if the city maintains the lease. He is not confident that if the school district owned the piece of property, at some point and time, they may simply cut BMX off. Also, the city may need the roadway for some reason in the future.

Mr. Carmean advised there is also some land beside the roadway the school would like to acquire to designate for parking. Council could allow the school to purchase it as any developer would, make the improvements and dedicate the street back to the city or a portion into a city street. He agrees this is a good time for the school to buy because they currently have some land purchase money. Down the road ,they may lose that money.

Mr. Carmean further stated that the school could be permitted to make the improvements through a long term lease, which eventually, will mean the city has sold the property because the agreement cannot be broken. On the other hand, the city could allow them to put in the street and do the improvements but add a requirement that the city has permanent ingress and egress into our property.

Mr. Workman added that if we do sell the BMX, the school would always have first priority. Mr. Brooks confirmed that at the time the city acquired this property, it was set up in that manner. Mayor Rogers agreed.

Mr. Carmean said that he does not foresee BMX ever being able to do that.

Mr. Kramlich said he cannot see leasing the land and the city receiving nothing for it, as opposed to selling it which would allow the funding to be put into an account, and the city could still demand the use of it. Otherwise, the school will get permanent use though it will cost nothing other than the improvements which they will do regardless.

Mr. Morrow asked if we could require the guaranteed use of the road and parking by BMX for as long as they need it; Mr. Carmean explained it would need to state for use by the City of Milford or lessees of the City of Milford. Regardless, they could never shut the city off from the property or anyone the city leases to which would be spelled out in the agreement.

Mr. Crouch said that if BMX ever goes out of business and the city sells that property to the school, the road could be sold at the same time. Mr. Kramlich disagreed noting that if there was a long term lease in place, why would they sell it.

Mr. Brooks said he was referring to the lease because it seemed to be the way to go. This is taxpayers' money which is basically our money. He asked for the city manager's opinion. Mr. Carmean believes the school prefers to buy it. This would make a clean purchase with the land money they have available. They could purchase it at the market value or appraised value. It is his understanding that if the money is not used for this purpose, it will revert back to the state. Though it is taxpayers' money, when it goes back to the state, it could be used in other areas instead of Milford. They may not have the money down the road which is why they prefer to buy it now. However, Dr. Smith is also willing to take a lease if that is councils' preference.

Mr. Kramlich moved to sell the property as described in the letter written by Dr. Smith to Milford School District, seconded by Mr. Ambrose. Motion carried by the following 4-3 vote:

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

Mayor Rogers broke the tie vote by voting yes.

Introduction of Ordinance 2008-2/Water Source

ORDINANCE NO. 2008-2

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 230, ZONING, FOR THE PURPOSE OF ESTABLISHING WATER RESOURCE PROTECTION AREAS.

WHEREAS, the City of Milford relies on groundwater as its sole source of drinking water; and

WHEREAS, the protection of existing and proposed sources of water for public consumption is critical to the protection of public health, the environment, and continued economic prosperity; and

WHEREAS, the United States Congress has mandated the assessment of drinking water supplies through the provisions of the Safe Drinking Water Act Amendments of 1996; and

WHEREAS, the United States Congress has encouraged the protection of drinking water supplies through the provisions of the Safe Drinking Water Act Amendments of 1996; and

WHEREAS, the State of Delaware requires counties and municipalities with a population of 2,000 or more to adopt overlay maps delineating, as critical areas, source water assessment, wellhead protection, and excellent groundwater recharge potential areas through the provisions of the Delaware Source Water Protection Law of 2001; and

WHEREAS the State of Delaware, through the provisions of the Source Water Protection Law of 2001, requires counties and municipalities with a population of 2,000 or more to adopt regulations governing the use of land within source water assessment, wellhead protection, and excellent groundwater recharge potential areas to protect those critical areas from activities and substances that may harm water quality and subtract from overall water quality.

Dates: Planning Commission Public Hearing: February 19, 2008 (Recommendation to City Council)
City Council Public Hearing & Projected Adoption Date: March 24, 2008
Projected Effective Date: April 3, 2008

Assistant City Manager David Baird referred to the proposed amendment to the zoning code, explaining the purpose is to place source water protection standards in the City of Milford. He referred to a map showing an outline of the source water protection areas.

He explained that anything in blue is considered an excellent groundwater recharge area as identified by the State Department of Natural Resources as areas suitable for ground water to infiltrate back into the groundwater system to supply the underground aquifers. The orange areas are denoted by a couple of small dots throughout the city as wellhead protection areas on the southwest side of the city.

Mr. Baird advised that the ordinance establishes some land restrictions in the wellhead protection areas. Two wellhead protection areas have been established; the first are shown by the small dots seen throughout the areas that are around the existing wellheads. We are proposing a 150-foot radius around those wellheads. The only thing permitted in that area is any infrastructure, equipment or buildings, access roads and associated uses for the well, distribution system or water treatment facilities and/or maintenance. Any water infrastructure would be allowed within 150-foot radius of those wellheads. Any existing uses in those areas will be allowed to continue, but no new uses can be built within 150 feet.

Mr. Baird stated that in the downtown area, especially those areas on Washington Street, in addition to a few other properties, there is very little infringement with the exception of some new wells off Rehoboth Boulevard. The larger blue areas and the larger plum areas on the southwest side of town off Seabury Avenue, are considered level 2 source water

protection areas in zone 2. Those have some further restrictions that will go into place; any permitted use that is within those zoning classifications would be permitted to be maintained.

The main difference is it would have to come before council for a final conditional use approval. This provides an extra layer of protection from an approval standpoint and allows the city to be aware that a proposal will be take place within the wellhead protection areas or excellent groundwater recharge area.

In addition, there are some limits on what stormwater management practices need to be taking place on the property, impervious cover that is permitted on the property, underground and above ground storage tanks. As this moves through the public hearing process with both the planning commission and city council, he anticipates some amendments will be needed regarding the impervious cover.

Mr. Baird referred to the debate in Sussex County about the source water ordinance they are proposing. It is being worked out between the public and state agencies through some additional language being proposed for the impervious cover. Therefore, he is anticipating an amendment with Milford's ordinance during this process.

The basis of this ordinance is found in the 1996 amendments of the Safe Drinking Water Act which requires the states to respond as was adopted by their law in 2001. Now the towns and municipalities are required to provide their own local laws.

The draft is being presented to the planning commission on February 19, 2008 and will come back to city council for a public hearing and projected adoption date of March 24, 2008.

Mr. Kramlich asked if nothing can be built within the wellhead protection areas. Mr. Baird said only those areas designated by a small orange dot. He said the areas with the small box is where the wells go into confined aquifers. This is done through the use of deeper aquifers which are less likely to become contaminated or have infiltration. The larger one is a well located at the Seabury site which is more shallow and in an unconfined aquifer which is more susceptible to groundwater infiltration or things of that nature.

Mr. Kramlich pointed out that appears to be on top of what was just zoned commercial and asked if those commercial uses no longer exist. Mr. Baird explained the commercial uses are not gone, but because it is considered a zone 2, anything in the existing zoning classification is permitted. However, they will be asked to take some additional protection measures to ensure the groundwater is not contaminated and impacting the public drinking water.

Mr. Baird advised they have already met with the property owner and their representatives regarding that site. They are grandfathered because they have already started their planning process. However, they were encouraged to incorporate some of these practices though it is not required.

Mr. Baird has more concerns about what is traveling up Route 113 and what could potentially happen versus what will happen on this particular property.

Request to Rename Games Drive

Jason and Pamela James of IGames Drive submitted a letter requesting permission to rename their street to James Drive, James Street or James Avenue. They have a substantial amount of frontage on Games Drive. Mr. Carmean advised this street was named on behalf of the property owners who owned a great deal of land in this area though Ms. Games passed away a few years ago. The James home is the only dwelling on this street. However, there is a minor subdivision that has been approved on the street. Though construction has not started, a couple of lots were already sold.

Public notice is required to the other property owners on this street and public input will be needed. In addition, the 911 center must be contacted and their response required and their procedures followed.

Mayor Rogers said that this for information purposes only this evening.

Temporary Amendment to City of Milford Code/Chapter 21/Voter Registration Deadline/Special Election

Mr. Carmean advised that prior to any city election, the voter registration is closed 30 days prior to the election. In fairness to the public, it will be in the best interest for council to extend the voter registration deadline for the special election.

The 30-day deadline has already passed. The recommendation is to extend the registration date to Friday, February 8th at 4:30 p.m.

It was confirmed that the 30-day deadline would remain in effect for the general election.

Mr. Ambrose moved for an extension of the voter registration deadline to Friday, February 8, 2008 at 4:30 p.m. for the special election on February 23, 2008 only, seconded by Mr. Crouch. Motion carried.

With no further business, Mayor Rogers adjourned the Meeting of Milford City Council at 8:12 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
January 28, 2008

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

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers convened the Workshop Session at 8:12 p.m.

Historic Preservation Ordinance Draft

City Planner Gary Norris recalled council being previously informed of a proposed ordinance for historical preservation regulations requested by Councilman Ambrose and required by the Main Street Program for Downtown Milford, Incorporated. Before proceeding with the ordinance, a decision needs to be made on a couple of items.

He asked for councils' opinion on the procedures on page 4, number 3 which involves the repair of existing bridge structures such as cupolas, dormers and chimneys and requires the same material be used which would not alter the exterior appearance of the structure. The type of repairs or material will be left up to the owner of the property.

Mr. Ambrose advised that Dan Bond had expressed some concerns and suggests that he talk to council.

Mr. Norris agreed noting that Mr. Bond's comment was apropos; he was concerned about the color of paint that people could choose for these structures though that is not part of this ordinance. Mr. Ambrose said his other concern is that this ordinance is limited to residential and should include commercial structures as well.

It was again confirmed that this ordinance only applies to structures 50 years or older in the historical districts denoted on the maps.

Mr. Kramlich advised he is not in favor of this ordinance. He said the city tells residents they must fix their sidewalks, they tell people what they have to do in their yards, there are restrictions on what is allowed on their front porch and this ordinance will tell them what condition the house must be in because you cannot add certain things. He feels the only good thing in the ordinance is that we are not telling them what color to paint their house.

Mr. Kramlich believes that if someone owns a piece of property, they should be able to do whatever they want. He likes the idea of someone fixing up an old home, but does not want to mandate how it is done. He would rather have incentives than restrictions.

Mr. Ambrose explained the purpose of the ordinance is to have a commission to advise property owners on what they could do versus tearing down a historic structure.

Mr. Kramlich asked if this is an advisory ordinance that people do not have to adhere to as law. He said if he wants to repair his home and he does not get approval, the home could end up in more disrepair because nothing would be done.

Mr. Norris further explained this is the second step in trying to preserve the historical districts and structures in the city. There are already three historical districts in the city. Someone improving their property is allowed. If it is restored historically, there are incentives in place through federal tax credits.

Mr. Kramlich said he hopes all of the structures are preserved but he does not want to infringe on a person's property rights.

Mr. Norris said this takes it to the next level which is to go before an advisory board who will make a decision on whether it can be done. He agrees there are different arguments that the homes should be preserved or that it is an infringement upon private property rights.

Mr. Kramlich feels it is more than an advisory decision because there is an appeal process.

Mr. Norris recalled the homes that were torn down on Northwest Front Street that precipitated the development of this ordinance because one of the homes was of historical significance to the City of Milford. The cost to restore a home may be prohibitive or the owner may not have sufficient funds to restore it. In those cases, a demolition permit could be issued so the home could be torn down.

It was confirmed that any demolition in these historic districts would have to come before the historical preservation advisory group.

Mr. Carmean verified that even if the advisory group tells the property owner the home should not be torn down, the owner would still have the right to tear it down.

Mr. Crouch referred to a recent case in Dover when a historical home was demolished which resulted in a significant fine being assessed.

Mr. Ambrose believes the Dover ordinance has a lot more teeth than the one being proposed in Milford. If this goes before the historical commission and they deny the request, there is an appeal process which would come back before council.

Mr. Workman verified this ordinance is a mandate of the Main Street program and is required for Downtown Milford, Incorporated to get that designation.

Mr. Ambrose said council needs to decide how restrictive the ordinance should be. He understands the value of keeping a property versus tearing it down and replacing it with a manufactured home. He recalled the point that Brad Dugan made when this was initially discussed. Mr. Ambrose' home was built 160 plus years ago. He feels he is somewhat a temporary caretaker because someone else will own it long after he is gone. But it is his responsibility to see that the house continues to maintain the qualities it has now.

He agrees that some more thought needs to be put into this ordinance. If a home is in a historic district and something is planned that could change the overall outward appearance, the responsibility or power of the commission needs to be determined. Renovations to the interior of the home do not fall under the jurisdiction of this ordinance.

Mr. Norris agreed that there are good arguments on both issues. This is a matter of whether council wants to preserve and protect the existing structures in these historic districts.

Mr. Carmean also recalled the point Mr. Dugan made that our grandchildren need to be able to see what a Victorian home looks like other than in a book. However, he is all for a property rights and that a person should be able to do what they want as long as it is not infringing upon their neighbors.

He informed council that the city has a new code enforcement official. He feels one of the biggest quality of life issues in town will be property maintenance and what is going on around people's homes. We currently have developments with \$300,000 plus homes that are having neighboring maintenance issues that are devaluing their properties. The issues range from rentals to junk in the yard or on a porch. He feels that future councils will have to be much more embroiled in these type decisions. The preservation of historic districts will be a significant issue as well.

Mr. Norris said it appears the consensus of council is that the historic preservation commission would be an advisory nature only. Anyone that took a building permit or demolition permit would go before the commission to get their recommendation.

Mr. Ambrose said that because the members of this commission would be familiar with older structures and how to deal with them, it is possible they could come up with a better idea that the property owner would prefer.

Mr. Norris will continue work on the ordinance.

With no further business, Mayor Rogers adjourned the Workshop at 8:31 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder