

City of Milford



AGENDA

Council Meeting

August 23, 2010

Milford City Hall - Joseph Ronnie Rogers Council Chambers - 201 South Walnut Street, Milford, Delaware

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Pledge of Allegiance

Invocation

Communications

Unfinished Business-

Planning Commission Vacancy

New Business-

St. John's Oktoberfest/Road Closings/Beer Sales

Award/2010 Road Improvements Bid

Award/2010 Curb and Sidewalk ADA Ramp Bid

Award/Progressive Engineering Consultants, Inc./Cost Revision/Design & Installation Delivery #2 Proposal*

Award/Water Facilities Plan Update Proposal*

Adoption of Resolution 2010-14/Water Facility Planning Grant Application*

Introduction of Ordinance 2010-13/Zoning Designation of Annexed Lands of Walter N. Thomas II

Introduction of Ordinance 2010-15/Realignment of Ward Boundaries/Ward I & Ward III

Introduction of Ordinance 2010-16/Property Tax Due Dates & Penalty

*Executive Session-Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation**

Adjourn

WORKSHOP

Call to Order - Mayor Joseph Ronnie Rogers

Ordinance 2009-10/Lighting Code/Update

Revised Ordinance 2009-22/Zoning Code/Billboards

Ordinance 2010-14/Zoning Code Amendment/Parking Spaces

Adjourn

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.



*Join fellow Chamber of Commerce for Greater Milford members
for an informative program & Breakfast...*

Presented by:
Biz Niz Bee ~ Ed Carey

Topic: How to Position Your Business for Success with Social Media

**THE EVENT IS BEING HELD AT
Delaware Hospice**

~ 100 Patriots Way ~ Milford ~

**Limited
Seating!**

*A Great way
to start your
Day!*

**Wednesday, August 25, 2010
8:00 to 9:30 a.m.**

As always, we encourage you to bring a friend!

Organization/Business _____

of Attendees: Member _____ Other _____

Name (s) of Attendees _____

Breakfast will cost \$7.00 per person, payable to: CCGM.

Please email milford@milfordchamber.com call (302) 422-3344 or fax (302) 422-7503 if you plan to attend.

Please provide the Chamber with the above information by Monday, August 23rd.

“A Member Driven Organization”

Please join us at the
Chamber of Commerce
for Greater Milford's
August Business Mixer

Host: Milford Community Band
Celebrating the 20th Anniversary

Where: Lear Hall, 315 Claude St, Milford.

From Happy Harry's/Walgreens- Go East on DE-14 (.9 mi)- Turn Right onto N. Walnut St. (.1 mi) - Turn Left onto SE Front St/ DE-36 (.7mi)- Turn Right onto Lovers Ln. (.3 mi)- Turn Left onto Lemuel St. (.1 mi)- Turn Right onto Claude St (.1 mi)- And drive into the Lear Hall parking lot - Please call Jo @ 242-2459 if you need further assistance.

When: Thursday, August 26th, 2010
from 5-7 p.m.

**Door Prizes *Networking*

Bring your business card & a friend....

Please RSVP by Friday, August 20, 2010

Chamber of Commerce for Greater Milford - 422-3344 or fax to - 422-7503

Name of business: _____

Individual(s): _____

Number attending: _____

_____ Yes, I want to donate a door prize for a future Mixer!

"A Member Driven Organization"



Sussex County Association of Towns

P. O. Box 589 Georgetown, DE 19947

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

MEETING NOTICE

LOCATION: DiFebo's Bistro on The Green
Bear Trap Dunes, Ocean View

DATE: Wednesday, September 1, 2010

TIME: 6:00 p.m. – Social
6:30 p.m. – Dinner

HOST: Town of Ocean View

SPEAKER: Secretary Carolann Wicks
Department of Transportation

COST: \$32.00

MENU: Whole Roasted Pig
Chicken with Barbeque Sauce
Cole Slaw
Baked Beans

Strawberry Cream Cake

For reservations, please call Marie Thomas at Ocean View Town Hall at 539-9797 ext. 101 and leave a message. Please call no later than **FRIDAY, AUGUST 27TH.**

Please make checks payable to the Town of Ocean View.

NOTICE OF SCAT STEERING COMMITTEE MEETING

A meeting of the SCAT Steering Committee will be held on Friday, September 3, 2010 at 9:00 a.m. at Lighthouse Landing Restaurant at the Airport in Georgetown.

RSVP to Robin by email - rgriffith@sussexcountyde.gov.

The cost of breakfast is \$9.00. Checks can be made payable to Lighthouse Landing Restaurant.

SAINT JOHN THE APOSTLE ~ SAINT BERNADETTE PARISH

506 Seabury Avenue • Milford, Delaware 19963-2217

(302) 422-5123 • Fax (302) 422-5720



JULY 30, 2010

Mayor Ronnie Rogers
Mayor
City of Milford
PO Box 159
Milford, DE 19963

Dear Mayor Rogers:

This year St. John's will celebrate its **20th Annual Oktoberfest**. This is a milestone for us and we will honor Karl & Renate Thomas who were the originators of the event. The dates are Friday, October 1st from 6 PM to 10 PM and Saturday, October 2nd from 6 PM to 10 PM.

In the past the city has graciously allowed us to block off a portion of School Place in front of the church and down toward the Middle school. May we have your permission to do that again this year? By doing this we are able to eliminate congestion in front of the church.

In keeping with the tradition of German Oktoberfests we will have a beer booth. I have applied for the appropriate license from the state to do that.

We thank you for your support over all the years. If there is any more we need to do or if you need further information please call me at the church at 422-5123, ext. 13. .

Sincerely,

Bonnie De Mar
Coordinator

20th Annual Oktoberfest - 2010

City of Milford
2010 Road Improvements

INVITATION TO BIDDERS

Sealed bids will be accepted by the City of Milford, 201 South Walnut Street, Milford, Delaware 19963 until 10:00 AM on Monday, August 9, 2010, at which time they will be opened publicly, for general construction of:

2010 Road Improvements

All pricing shall be price per ton in place for Type C hot mix and Square Yard Inch (SYIN) for roto-milling. It is the City's intent to award all streets at one time, but will be determined by the City of Milford if all streets can be funded. All bidders shall provide pricing with prevailing wage rates on the included bid form. Bidder shall also provide unit pricing for additional work if so required. The unit prices are not exclusive or binding, the City reserves the right to have similar work performed by City staff or other contractors during the contract term.

Work includes Milling and Overlaying of the following streets:

Church Street from North Front Street to North Street
Foster Street from King's Highway to Jefferson Street
Evans Street from Rehoboth Boulevard to Cedar Beach Road (no milling)
NE 10th Street from Walnut to butt joint near Silicato Parkway

Scope of work to include the following:

1. Taper mill existing road edges and intersections.
2. Construct butt joints at all tie-in areas to ensure elevations and positive drainage.
3. Clean existing road surfaces free of loose debris.
4. Adjust existing utilities if required, no riser inserts allowed. However no adjustments are anticipated due to milling.
5. Apply tack coat to promote adhesion.
6. Apply wedge and level course to various areas as needed.
7. Apply two (2) inches of type "C" hot mix, machine rolled, to the prepared site.
8. Pricing to remain in effect thru December 31, 2010.
9. Prices quoted based on liquid AC index as posted by the Delaware Department of Transportation for the month of July 2010. Adjustment of quoted pricing will be as outlined by the Delaware Department of Transportation. Delivery tickets must be supplied to the City of Milford for consideration of adjustment.
10. Provide traffic maintenance.
11. DeDOT Standards and Specifications apply.
12. All bidders provide bid bond. Contract award will require performance bond.

The Bidder agrees that this bid shall be good thru December 31, 2010 and may not be withdrawn after the scheduled closing time for receiving bids.

Contact Mark S. Mallamo for any information pertaining to specifications of contracts at (302) 422-6616 xt 131 or email mmallamo@milford-de.gov. The right is reserved to accept or reject any and all bids, to waive any informalities or irregularities in all Bids received, and to accept or reject any items of any bid.

City of Milford
Mark S. Mallamo, P. E.
City Engineer



**STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS**
225 Corporate Boulevard, Suite 104
Newark, Delaware 19702

TELEPHONE (302) 761-8200
(302) 451-3423
Fax (302) 368-6604

Via Facsimile and Regular Mail

July 22, 2010

Mr. Mark Mallamo
Engineer
City Of Milford
201 South Walnut Street
Milford, DE 19963

Re: City of Milford - 2010 Road Improvements, Kent & Sussex Counties, DE

Dear Mr. Mallamo:

I am responding to your request for a category determination for the City of Milford - 2010 Road Improvements, which is a state funded construction project located in Kent and Sussex Counties, DE. The work consists of street renovation and repair by mill and overlay of 2 inches hot mix asphalt Church, Evans, Foster, and 10th Streets. You estimate the total cost of construction for this project to be \$132,000.00.

Based upon the information you provided the Department of Labor has determined that this project is a Highway Construction project.

Delaware's Prevailing Wage Regulations provide that the rates applicable to a project are the rates in effect on the date of publication of the specifications for that project. I have enclosed a certified copy of the March 15, 2010, prevailing wage rates for Highway Construction to be included in your bid specification. However, please be advised that, in the event that a contract for a project is not executed within one hundred and twenty (120) days from the earliest date the specifications were published, the rates in effect at the time of the execution of the contract shall be the applicable rates for the project.

If you have any questions or I can provide any additional assistance, please do not hesitate to contact me at 451-3414.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Beaver".

David Beaver
Labor Law Enforcement Officer
david.beaver@state.de.us

Enclosure

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF LABOR LAW ENFORCEMENT
PHONE: (302) 451-3423

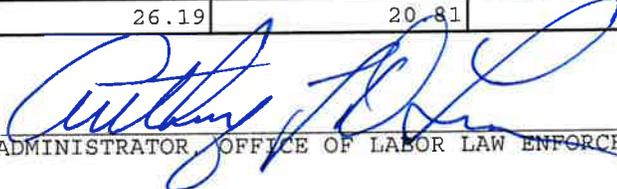
Mailing Address:
225 CORPORATE BOULEVARD
SUITE 104
NEWARK, DE 19702

Located at:
225 CORPORATE BOULEVARD
SUITE 104
NEWARK, DE 19702

PREVAILING WAGES FOR HIGHWAY CONSTRUCTION EFFECTIVE MARCH 15, 2010

CLASSIFICATION	NEW CASTLE	KENT	SUSSEX
BRICKLAYERS	43.48	43.48	14.51
CARPENTERS	40.35	47.56	37.87
CEMENT FINISHERS	31.04	26.13	23.29
ELECTRICAL LINE WORKERS	34.29	54.05	54.05
ELECTRICIANS	55.35	55.35	55.35
IRON WORKERS	42.20	22.98	25.35
LABORERS	23.81	23.89	23.73
MILLWRIGHTS	16.11	15.63	13.49
PAINTERS	51.47	51.47	51.47
PILEDRIVERS	59.23	23.75	26.95
POWER EQUIPMENT OPERATORS	33.37	27.59	27.95
SHEET METAL WORKERS	22.75	20.31	18.40
TRUCK DRIVERS	26.19	20.81	19.79

CERTIFIED: 7/22/10

BY: 

ADMINISTRATOR, OFFICE OF LABOR LAW ENFORCEMENT

NOTE: THESE RATES ARE PROMULGATED AND ENFORCED PURSUANT TO THE PREVAILING WAGE REGULATIONS ADOPTED BY THE DEPARTMENT OF LABOR ON APRIL 3, 1992.

CLASSIFICATIONS OF WORKERS ARE DETERMINED BY THE DEPARTMENT OF LABOR. FOR ASSISTANCE IN CLASSIFYING WORKERS, OR FOR A COPY OF THE REGULATIONS OR CLASSIFICATIONS, PHONE (302) 451-3423.

NON-REGISTERED APPRENTICES MUST BE PAID THE MECHANIC'S RATE.

PROJECT: City of Milford - 2010 Road Improvements, Multiple Counties



ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

MEMORANDUM
2010 ROAD IMPROVEMENTS PROJECT
City of Milford Delaware
July 29, 2010

ADDENDUM NO. 1

The following changes are hereby made a part of the contract documents:

1. Paving overlay on Masten Circle from T intersection near State Route 14 to a new but joint at the end of the Sussex Bank lot.
2. The attached Bid Form replaces the previous bid form.



ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

MEMORANDUM
2010 ROAD IMPROVEMENTS PROJECT
City of Milford Delaware
August 3, 2010

ADDENDUM NO. 2

The following changes are hereby made a part of the contract documents:

1. Bid opening is rescheduled for August 19, 10:00 am at City Council Chambers, 201 S Walnut Street.
2. Bid Bond is 10% of total bid.
3. Contract time is 90 days after notice to proceed.
4. There are no liquidated damages.
5. Provide proof of insurance with bid.
6. The City may hold 10% retainage until project is accepted.
7. Foster Street and Evans Street are in Sussex County, Church Street, N. E. 10th Street and Master Circle are in Kent County.

**City of Milford 2010 Road Improvements
Bid Form**

STREET	<i>Estimated Tons of Type C Hot Mix</i>	<i>Cost per Ton Type C Hot Mix</i>	<i>Estimated Square Yards Inch Milling</i>	<i>Cost per Square Yard Inch Roto- milling</i>	<i>Total Street Price ((tons X cost per ton) +(SYIN X cost per SYIN))</i>
Church Street from North Front Street to North Street	507		9022		
Foster Street from King's Highway to Jefferson Street	170		3034		
Evans Street from Rehoboth Blvd to Cedar Beach Road	260		0		
NE 10 th St from Walnut to joint near Silicato Parkway	595		10560		
Masten Circle from T Rt 14 to end of Sussex Bank	327		0		
Total combined bid for all streets above (4)					
Unit prices for additional work if required (1) (5)	Quantity	Unit			Totals
Type "C" surface course hot mix	100	Tons			
Type "C" patch hot mix	10	Tons			
Patching (2)	50	SY			
2 inch roto-milling and associated work (3)	1500	SYIN			
Adjust manholes	1	Each			
Adjust valve boxes	1	Each			

Notes:

1. All unit prices include traffic maintenance.
2. Patching includes; saw cutting, removal and disposal of four inches of hot mix and or base material. Grading of patch area and tacking of patch edge.
3. Roto-milling includes milling, clean up, and disposal of millings.
4. Prices to be quoted per street. The City reserves the right to award any one, or combination of streets or accept total bid.
5. The unit prices are not exclusive or binding. The City reserves the right to perform similar work using other resources during contract term.

COMPANY NAME

ADDRESS

SIGNATURE

TITLE

DATE



2010 Road Paving Improvements

August 19, 2010....Closing Time: 10:00 p.m.

Description: Work includes milling and overlay on various streets noted on bid specification.

Bidder Name	Unit Price (Hot Mix/Roto Milling)	10% Bid Bond	Bid Amount
George & Lynch	\$82.94 HM/\$0.81 RM	X	\$174,126.72
Jerry's Paving	76.75 HM /\$.060 RM	X	\$157,595.70
Harmony Construction	\$79.25 HM/\$1.28 RM	X	\$178,623.51
Delmarva Paving	\$71.50 HM/\$0.075 RM	X	\$149,880.50
David A. Bramble Inc.	\$80.00 HM/ \$1.25 RM	X	\$176,990.00
C & J Paving	\$72.88 HM/\$ 0.52 RM	X	\$147,244.24

Low Bidder			
Name	Address	Phone Number	Bid Amount
C & J Paving	\$72.88 HM/\$ 0.52 RM	X	\$147,244.24

City of Milford
2010 ADA Sidewalk Ramps and Curb

INVITATION TO BIDDERS

Sealed bids will be accepted by the City of Milford, 201 South Walnut Street, Milford, Delaware 19963 until 13:00 AM on Monday, August 9, 2010, at which time they will be opened publicly, for general construction of:

2010 Curb and Sidewalk ADA Ramps

All pricing shall be unit price in place. It is the City's intent to award this work on all streets at one time, but it will be determined by the City of Milford if all streets can be funded. All bidders shall provide pricing with prevailing wage rates on the included bid form. Bidder shall also provide unit pricing for additional work if so required. The unit prices are not exclusive or binding, the City reserves the right to have similar work performed by City staff or other contractors during the contract term.

Work includes curb removal/replacement and removal of sidewalk and installation of ADA compliant ramps on the following streets:

Church Street from North Front Street to North Street
Foster Street from King's Highway to Jefferson Street
NE 10th Street from Walnut Street to butt joint near Silicato Parkway

Scope of work to include the following:

1. Remove curb and gutter and dispose as specified
2. Install new type 3 PCC curb and gutter
3. Dimensions of new curb shall match existing
4. Remove sidewalk and curb as required at street crossings
5. Install ADA compliant ramps including detectable warning truncated domes
6. Pricing to remain in effect thru December 31, 2010.
7. Provide traffic maintenance
8. Concrete mix shall be DeIDOT Section 812 Class B
9. Refer to DeIDOT Standard Details for Curb Ramps
10. All bidders provide bid bond. Contract award will require performance bond.

The Bidder agrees that this bid shall be good thru December 31, 2010 and may not be withdrawn after the scheduled closing time for receiving bids.

Contact Mark S. Mallamo for any information pertaining to specifications of contracts at (302) 422-6616 xt 131 or email mmallamo@milford-de.gov. The right is reserved to accept or reject any and all bids, to waive any informalities or irregularities in all Bids received, and to accept or reject any items of any bid.

City of Milford
Mark S. Mallamo, P. E.
City Engineer



**STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS**

225 Corporate Boulevard, Suite 104
Newark, Delaware 19702

TELEPHONE (302) 761-8200
(302) 451-3423
Fax (302) 368-6604

Via Facsimile and Regular Mail

July 22, 2010

Mr. Mark Mallamo
City Of Milford
201 South Walnut Street
Milford, DE 19963

Re: City of Milford - 2010 Curb and Sidewalk ADA Ramps, Kent & Sussex Counties, Delaware

Dear Mr. Mallamo:

I am responding to your request for a category determination for the City of Milford - 2010 Curb and Sidewalk ADA Ramps, which is a state funded construction project located in Kent and Sussex Counties, Delaware. The work consists of curb and sidewalk renovation by repair, removal, replacement, and installation of ADA compliant handicap ramps at intersections., at Church Street, Foster Street and 10th Street. You estimate the total cost of construction for this project to be \$51,000.00.

Based upon the information you provided the Department of Labor has determined that this project is a Highway Construction project.

Delaware's Prevailing Wage Regulations provide that the rates applicable to a project are the rates in effect on the date of publication of the specifications for that project. I have enclosed a certified copy of the March 15, 2010, prevailing wage rates for Highway Construction to be included in your bid specification. However, please be advised that, in the event that a contract for a project is not executed within one hundred and twenty (120) days from the earliest date the specifications were published, the rates in effect at the time of the execution of the contract shall be the applicable rates for the project.

If you have any questions or I can provide any additional assistance, please do not hesitate to contact me at (302) 451-3406.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Johnson'.

Ken Johnson
Labor Law Enforcement Officer
kennethw.johnson@state.de.us

Enclosure

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF LABOR LAW ENFORCEMENT
PHONE: (302) 451-3423

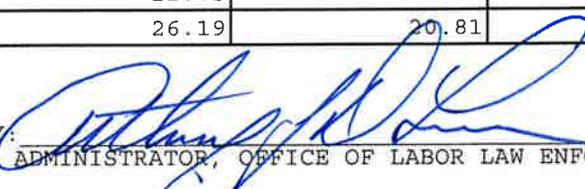
Mailing Address:
225 CORPORATE BOULEVARD
SUITE 104
NEWARK, DE 19702

Located at:
225 CORPORATE BOULEVARD
SUITE 104
NEWARK, DE 19702

PREVAILING WAGES FOR HIGHWAY CONSTRUCTION EFFECTIVE MARCH 15, 2010

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CERTIFIED: 7/22/10

BY: 

ADMINISTRATOR, OFFICE OF LABOR LAW ENFORCEMENT

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NON-REGISTERED APPRENTICES MUST BE PAID THE MECHANIC'S RATE.

PROJECT: City of Milford - 2010 Curb and Sidewalk ADA Ramps, Multiple Counties



ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

MEMORANDUM

2010 ADA Sidewalk Ramps and Curb
City of Milford Delaware
July 29, 2010

ADDENDUM NO. 1

The following changes are hereby made a part of the contract documents:

1. The attached Bid Form replaces the previous bid form.



ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

MEMORANDUM

2010 ADA Sidewalk Ramps and Curb
City of Milford Delaware
August 3, 2010

ADDENDUM NO. 2

The following changes are hereby made a part of the contract documents:

1. Bid opening is rescheduled for August 19, 10:30 am at City Council Chambers, 201 S Walnut Street.
2. The attached Bid Form with revised quantities replaces the previous bid form.
3. Bid bond is to be 10% of construction cost.
4. Contract time is 60 days after notice to proceed.
5. There are no liquidated damages.
6. Provide proof of insurance with bid.
7. The City may hold 10% retainage until the project is accepted.
8. Foster Street is in Sussex County, Church Street and N. E. 10th Street are in Kent County.

**City of Milford 2010 ADA Sidewalk Ramps and Curb
Bid Form**

STREET	<i>Feet of Curb</i>	<i>Curb Cost per LF</i>	<i>Square Feet of ADA Ramps</i>	<i>ADA Ramp Cost per SF</i>	<i>Catch Basins</i>	<i>Cost per Each Catch Basin Adj. (2)</i>	<i>Total Price All Items on Street = Quantity X Unit Price</i>
Church Street from North Front Street to North Street	600.00		816		1		
Foster Street from King's Highway to Jefferson Street	0.00		120				
NE 10 th St from Walnut to joint near Silicato Parkway	0.00		216		4		
Total combined bid for all streets above (4)						\$	-

Unit prices for additional work if required (1) (5)	<i>Quantity</i>	<i>Unit</i>	<i>Cost per unit</i>	<i>Unit Prices X Quantity</i>
Type 3 PCC Curb and Gutter	50	LF		
Remove and replace sidewalk	50	SF		
Adjust catch basins (2)	1	Each		
Curb Ramp Type 1	24	SF		
Curb Ramp Types 2, 3 and/or 4	24	SF		
Detectable Warning System (3)	8	SF		

Notes:

1. Include 8 SF detectable warning surface in this item.
2. City will provide frame and grate for catch basin adjustment.
3. Detectable warning truncated domes color may vary by location.
4. Prices to be quoted per street. The City reserves the right to award any one, or combination of streets or accept total bid.
5. The unit prices are not exclusive or binding. The City reserves the right to perform similar work using other resources during contract term.

COMPANY NAME

ADDRESS

SIGNATURE

TITLE

DATE



2010 Curb & Sidewalk ADA Ramps

August 19, 2010....Closing Time: 10:30 p.m.

Description: Work includes remove and replace select curb and sidewalk and install ADA compliant ramps.

Bidder Name	Unit Price (Curb/Ramp)	Bond	Bid Amount
Grassbusters Landscaping	\$40.00 C/\$20.00 R	X	\$48,540.00
Shea Concrete	\$32.00 C/\$16.00 R	X	\$38,632.00
Aztech Contracting	\$26.50 C/\$21.25 R	X	\$50,380.00

Low Bidder			
Name	Address	Phone Number	Bid Amount

Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011
TELEPHONE (704) 545 - 7327 FACSIMILE (704) 545 - 2315

April 15, 2010

Mr. Rick Carmean
City of Milford
Milford, De
Via: Electronic Mail

Re: Revised Construction Cost Estimate – Delivery #2

Dear Rick:

We have reviewed the estimated installed cost of the equipment for the transmission line and substation based on current market conditions. While the cost of the major equipment items has decreased from the 2008 spike, the prices are still elevated with respect to previous levels. Our updated estimate for the installation is as follows:

Estimated 138 kV Tap Installed Cost	\$250,000.00
Estimated Transmission Line Installed Cost	\$2,400,000.00
Estimated Substation Installed Cost	\$2,500,000.00
(20%) Allowance for Overhead, Contingency, & Engineering	<u>\$1,030,000.00</u>
Total Estimated Installed Cost	\$6,180,000.00

Please note that no cost has been included for land/ROW purchases.

Should you have questions regarding this information, please do not hesitate to call.

Very Truly Yours,
PROGRESSIVE ENGINEERING CONSULTANTS, INC.

By R. Alan Cobb

R. Alan Cobb, P.E.

Transmitted via electronic mail

Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011
TELEPHONE (704) 545 - 7327 FACSIMILE (704) 545 - 2315

July 30, 2010

Mr. David Baird
City of Milford
Milford, De
Via: Electronic Mail

Re: Estimated Engineering Charges

Dear Mr. Baird:

We are pleased to offer our estimate of engineering fees along with our planned scope of services to be provided for the design and installation supervision of your second delivery point as follows:

138kV Tap Station, Transmission Line, and Substation

Work with civil engineers to develop site/grading plan for the stations to allow permitting. Coordinate all activities with the City and DP&L.

Design of tap station, substation, and transmission line.

Create and issue bid documents.

Receive bids, evaluate, and recommend awards to equipment vendors.

Review all vendor submittal drawings.

Create and issue construction bid packages to contractors.

Receive bids, evaluate, and recommend awards to contractor.

Provide construction supervision for all phases of project.

Review all invoices and recommend payments.

Completely test all equipment, overcurrent protection, and interfaces with DP&L.

Provide complete commissioning of facilities.

Provide "as built" drawings of all equipment and electrical interconnections.

Our total estimated charges for the engineering services listed are \$300,000.00.

We hope this estimate meets with your approval. Please do not hesitate to contact us should you have questions, comments, or require additional information.

Very Truly Yours,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

By *R. Alan Cobb*

R. Alan Cobb, P.E.

Transmitted via electronic mail

cc: Mr. Rick Carmean
073010DB

CITY OF MILFORD MEMORANDUM

TO: Mayor & City Council
FROM: David W. Baird, City Manager
SUBJECT: Engineering Proposal—Progressive Engineering Consultants, Inc.—
Electric Interconnection, Transmission Line & Substation
DATE: August 9, 2010

Attached you will find the scope and proposal for engineering services associated with the design, construction and inspection for the work associated with Delivery No. 2 for the City's electric project. You will find the estimated engineering costs of \$300,000 for associated work is approximately 5% of the \$6.18 million project exclusive of land and ROW acquisition.

Progressive Engineering Consultants, Inc. has been working with the City of Milford for the past decade and has established an excellent relationship with the City and its partners in our electric utility.

It is my recommendation to approve the engineering contract with Progressive Engineering Consultants, Inc. for the services associated with the electric project.

CITY OF MILFORD MEMORANDUM

TO: Mayor & City Council
FROM: David W. Baird, City Manager
SUBJECT: Water Facilities Plan Update & Planning Grant Application
DATE: August 9, 2010

Water Facilities Plan Update

The City's current water facilities plan was completed in January 2006. Since that time, the City has completed a number of improvements and there have been a number of regulatory changes that have been both implemented and proposed. Additionally, there have been changes to our system that were not included as a part of the 2006 facilities plan that are critical components of our system (Washington Street Water Plant, addition of Kenton Treatment Plant).

The cost of the project is \$20,000. (\$10,000 from budgeted Water Expenses, \$10,000 from Delaware Office of Drinking Water Planning Grant)

Taking all of this into consideration, it is my recommendation the City move forward with updating its Water Facilities Plan. The scope of the update is included in Section A of DBF's proposal. In addition to the items identified, the facilities plan update will provide the City with detailed information on areas within the system (O&M as well as Capital) where investments should be directed for improved operating efficiencies.

Planning Grant Application

Attached is a grant application to the Delaware Office of Drinking Water for \$10,000 to help fund the update to the water facilities plan. A resolution indicating the City is moving forward with the plan update and its support of the funding application is required as part of the application. I recommend City Council adopt the resolution and submit the application.

WATER FACILITY PLANNING GRANTS

from the
Comprehensive Funding Pool
of the
Water Management Account

GUIDELINES AND APPLICATION



Office of Drinking Water
and the
Cabinet Committee on State Planning Issues

December 2003
Revised 1/26/2010

SECTION I: GENERAL GUIDELINES

The Water Facility Planning Grant program of the Water Management Account has been set aside to assist municipal and county water utilities to conduct water facility planning

Only municipal water utilities are eligible to obtain Water Facility Planning Grants from the Infrastructure Planning Account.

Grants from the water facility-planning program of the Water Management Account match actual cash funds provided by the municipal water utility. Utilities are eligible to receive up to 50% of planning project costs up to a limit of \$10,000 for general water facility plans. Grants are awarded on a continuing basis. Grant awards are based upon the evaluation of the application and supporting documentation and the availability of funds. The Cabinet Committee on State Planning Issues (CCSPI) reserves the right to attach special conditions to any awards.

This packet contains guidelines for completing the application for grant funding. The application provides the information necessary to complete a review for project eligibility.

Applications for the distribution of these funds are to be made according to policies and procedures set forth herein by the CCSPI. The Delaware Health and Social Services (DHSS), Office of Drinking Water (ODW) shall have the responsibility for review of applications for Water Facility Planning Grants from the Water Management Account and shall make recommendations to the CCSPI who has sole authority for approval.

Applications for Water Facility Planning Grants must be addressed to the ODW who will review the applications and make recommendations to the CCSPI regarding their approval.

Applications should be addressed as follows:

Office of Drinking Water Division of Public Health 655 Bay Road, Suite 203 Dover, DE 19901 Attn: Water Facility Planning Grant
--

SECTION II: SPECIFIC REQUIREMENTS

The scope of work for the proposed grant will outline how the applicant plans to utilize the comprehensive land use plan and/or development strategy of the jurisdiction that it currently or plans to serve.

General water facility plans must be developed to be consistent with existing long-range or regional water facility plans.

Review of the Plans

Water plans developed under grants from the Infrastructure Planning Account will be subject to review by the Office of Drinking Water to ensure coordination with adjoining water utilities.

Projects in Progress

Planning projects that are in progress, but less than 50% complete, and that meet the criteria set forth herein will be considered eligible for funding under this program.

Definitions

General Water Facility Plan – a document setting forth in text and maps the physical, demographic, and economic conditions of the water utility's service area; and containing policies, statements, goals, and planning components for extension of service, maintenance, and of existing and future facilities for *a portion of* a community or service area or for technical plans for upgrading or expanding source, distribution, storage, and treatment facilities.

Minimum Elements Required

1. A statement setting forth the water utility's position on growth, expansion of its boundaries, potential for redevelopment and revitalization, and the overall character of the water utility's service area.
2. A statement describing how the water utility supports the municipal development strategy.
3. An introduction describing the purpose of the plan and relationship of the plan to other water planning and management programs and how it will be consistent with the county and/or municipal comprehensive plan.
4. A description of the facility service area.
5. A description of the plan or study.
6. The plan shall address source limitations (quality and/or quantity), an assessment of current and future situations, development and evaluation of alternatives, selection of a plan, conceptual or preliminary design of facilities, and a plan for implementation.

7. A discussion regarding the extent of and plans for coordination with other public or private water utilities regarding expansion, service, and infrastructure issues.
8. An evaluation of the costs of implementing the plan and cost comparisons of alternatives considered.
9. An environmental evaluation of implementing the plan.
10. Where appropriate, a demonstration of coordination activities to ensure the involvement of all segments of the public. This demonstration can be satisfied through, but is not limited to, the inclusion of all segments of public and public service entities in the initial meetings of the planning process, invitations to review and comment on the draft plan and letters to public service entities that request involvement and coordination in the development of the plan.

SECTION III: APPLICATION INSTRUCTIONS

Cover Sheet – Please complete.

Information Sheet – The water utility must supply the utility’s name, mailing address, and phone numbers. The utility must include the date of the last update of the utility’s long-range plan.

A brief project description and identification of who will complete the majority of the planning work will need to be included along with the expected start date and completion date of the project. A summary of the project cost must be completed by the utility.

Scope of Work – The water utility must include a scope of work statement for the planning project. The Scope of Work statement must include details concerning how the utility plans to meet the requirements of coordination and recognition of the state development goals and the other minimum elements required.

Approval Resolution – The water utility must submit a resolution adopted by the utility’s governing body approving the planning project and grant request.

Please contact the Office of Drinking Water at (302) 741-8630 if you have any questions regarding the application process.

Infrastructure Planning Account
Application Form for Water Facility Planning Grants

Application Cover Sheet

Water Utility Name: City of Milford

Date of Application:

8 / 24 / 10

Date Received:

____ / ____ / ____

Checklist for Application Materials

- Application Cover Sheet
- Water Utility Information Sheet
- Scope of Work Document
- Approval Resolution



Infrastructure Planning Account
Application Form for Water Facility Planning Grants
Information Sheet

Water Utility Name: City of Milford

Mailing Address: 201 South Walnut Street
P.O. Box 159
Milford, DE 19963

Telephone: 302-422-6616 Fax: 302-422-1120

Date of current or previous water plan (if any)? January 2006

Type of grant application: General Water Plan (maximum \$10,000)

Project Description: The purpose of this project will be to update the City of Milford's General Water Facility Plan. The Water Facility Plan will be used by the City as a tool to guide them in planning for long-term improvements to their water facilities that will enable them to adequately supply high quality water to their water customers.

Who will complete the project (staff or consultant)? The project will be completed by the City's Engineering Consultant, Davis, Bowen & Friedel, Inc, with the assistance of the City's staff.

Project Start Date: October 2010 Project Completion Date: April 2011

Cost Summary:

Estimated Total Project Cost	Infrastructure Fund Request	Amount of Local Available
<u>\$ 20,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>

Name of Ranking Municipal
Official of the Utility: David W. Baird, City Manager

Signature of Municipal Official

Date

August 6, 2010

*Gerald G. Friedel, P.E.
Michael R. Wigley, AIA
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
Jo Anne Williams, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA*

City of Milford
201 S. Walnut Street
P.O. Box 159
Milford, Delaware 19963

Attn: Mr. David Baird
City Manager

RE: **PROPOSAL**
Water Facilities Plan Update
City of Milford, Delaware
DBF #P100806

Dear David:

Davis, Bowen & Friedel, Inc. is pleased to present this proposal for providing engineering facilities planning services to the City of Milford. We understand the City would like to update their existing water facilities plan to include an evaluation of existing facilities and a plan for improvements to accommodate future growth.

Funding for a portion of the update will be provided through a planning grant from the Delaware Office of Drinking Water (ODW). As such, the finalized plan shall meet the minimum requirements of a General Water Facility Plan as specified by the ODW.

A. WATER FACILITIES PLAN:

DBF previously prepared a General Water Facility Plan for the City which was completed in January of 2006. However, due to recent improvements and regulation changes over the past five years, this existing plan is in need of revision. Accordingly, DBF is proposing to update the City's existing water facilities plan. Our anticipated scope of work on this project includes the following:

- Preparation of planning grant application for General Water Facility Plan update.
- Review and update existing plan to reflect recent improvements.
- Revise existing plan to address specific requirements of the Office of Drinking Water.
- Review latest Planning and Zoning project lists and Comprehensive Plan to update population forecasts and determine future water demands.
- Compare the future water demands with the findings of the computer water model and formalize the results identifying any future improvements needed.
- Perform inspection of existing facilities to determine necessary improvements

Mr. David Baird
August 6, 2010
Page 2

regarding overall condition, controls, monitoring and process related items. If the necessary data can be provided, this shall also include the evaluation of capacities at each facility. Costs of providing such data are the responsibility of the City. Also, please note that the evaluation of electrical components at the facilities is not included in our inspections.

- Review of the City's current Operations and Maintenance procedures.
- Review of the City's CPCN territories.
- Finalize the Facilities Plan Report including recommendations based on our reviews, inspections and comparisons as listed above.

Lump Sum Fee: \$20,000.00

B. EXCLUSIONS/ADDITIONAL SERVICES:

Excluded from this scope of work are services associated with the following activities. These services, if requested, can be performed by our office on an hourly basis in accordance with our attached Schedule of Rates No. 44.

- Inspection of electrical equipment.
- Preparation of Operations and Maintenance plans.
- Assistance with expanding CPCN territories.

We propose to perform the above described work for the lump sum listed above. Billing will be submitted monthly based on the percentage of work completed the previous month. Payment terms shall be in accordance with our attached rate schedule No. 44.

Should you find this proposal acceptable, please execute below and return one (1) copy to us for our files. Receipt of a signed copy will be considered as our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services and look forward to continuing our work with you on this project. Should you should have any questions or need additional information, please call.

Sincerely,



Erik F. Retzlaff, P.E.
Sr. Engineer

ACCEPTED BY: _____
Signature Date

DAVIS, BOWEN & FRIEDEL, INC. ("DBF")
SCHEDULE OF RATES AND GENERAL CONDITIONS
 SCHEDULE NO. 44
 Effective June 1, 2006

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Senior Architect	\$135.00
Architect	\$105.00
Senior Landscape Architect	\$135.00
Landscape Architect	\$105.00
Senior Engineer	\$135.00
Engineer	\$105.00
Senior Planner	\$135.00
Planner	\$85.00
Construction Administrator	\$105.00
Traffic Engineer	\$105.00
Geologist	\$105.00
GIS Specialist	\$95.00
Senior Surveyor	\$135.00
Associate Surveyor	\$105.00
Surveyor	\$100.00
Senior Designer	\$100.00
Computer Graphics Designer	\$85.00
Designer	\$95.00
CADD I	\$80.00
CADD II	\$70.00
Computer Administrator	\$85.00
2 Man Field Crew	\$130.00
3 Man Field Crew	\$165.00
GPS Unit (1 man)	\$100.00
GPS Unit (2 man Crew)	\$140.00
GPS Unit (3 man Crew)	\$180.00
Resident Project Representative	\$70.00
Clerical	\$50.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

INVOICES & PAYMENT

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

TERMINATION OF CONTRACT

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

LIMITATION OF LIABILITY

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

INDEMNIFICATION

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

FORCE MAJEURE

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

CONSTRUCTION PHASE SERVICES

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

OWNERSHIP OF DOCUMENTS

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

USE OF ELECTRONIC MEDIA

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

SUCCESSORS & ASSIGNS

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

MISCELLANEOUS PROVISIONS

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

REIMBURSABLE EXPENSES

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.

PLANNING GRANT APPLICATION
◆
GENERAL WATER FACILITY PLAN UPDATE
CITY OF MILFORD, DELAWARE
◆
AUGUST 2010

Prepared by:

DAVIS, BOWEN, & FRIEDEL, INC.
Architects, Engineers, & Surveyors
23 North Walnut Street
Milford, Delaware 19963

DBF#052A019

Infrastructure Planning Account
Application Form for Water Facility Planning Grants

Application Cover Sheet

Water Utility Name: City of Milford

Date of Application:

8 / 9 / 10

Date Received:

___ / ___ / ___

Checklist for Application Materials

- Application Cover Sheet
- Water Utility Information Sheet
- Scope of Work Document
- Approval Resolution



Infrastructure Planning Account

Application Form for Water Facility Planning Grants

Information Sheet

Water Utility Name: City of Milford

Mailing Address: 201 South Walnut Street

P.O. Box 159

Milford, DE 19963

Telephone: 302-422-6616 Fax: 302-422-1120

Date of current or previous water plan (if any)? January 2006

Type of grant application: General Water Plan (maximum \$10,000)

Project Description: The purpose of this project will be to update the City of Milford's General Water Facility Plan. The Water Facility Plan will be used by the City as a tool to guide them in planning for long-term improvements to their water facilities that will enable them to adequately supply high quality water to their water customers.

Who will complete the project (staff or consultant)? The project will be completed by the City's Engineering Consultant, Davis, Bowen & Friedel, Inc, with the assistance of the City's staff.

Project Start Date: October 2010 Project Completion Date: April 2011

Cost Summary:

Estimated Total Project Cost	Infrastructure Fund Request	Amount of Local Available
<u>\$ 20,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>

Name of Ranking Municipal

Official of the Utility: David W. Baird, City Manager

Signature of Municipal Official

Date

City of Milford

General Information And Scope of Work

Demographics and Service Territory

The 2009 US Census estimated population for the City of Milford was 8,592. The Town operates a public water system that serves this year round population and the businesses and industries in and around the City. A location map is included as Attachment 1 and it shows the Town's boundary and the Town's current Certificate of Public Convenience and Necessity (CPCN) service territory, as approved by the State Public Service Commission.

The City withdrew, treated, and distributed approximately 784.5 million gallons of water in 2009. The water was distributed to the following:

- 3,407 In-Town Residential Users;
- 554 In-Town Non-Residential Users;
- 160 Out-of-Town Residential Users;
- 17 Out-of-Town Non-Residential Users.

Municipal Development Strategy

The City of Milford's policy on expanding its municipal boundary is to do so in accordance with its approved Comprehensive Plan. The current Comprehensive Plan was approved in 2008.

The City of Milford's Water Ordinance requires that all improved properties within the City limits connect to the City's public water supply. The Ordinance also specifies that any costs associated with expansion of the City's water supply infrastructure that are required as a result of a request for service, be borne by the developer(s).

The City adopted a Wellhead Protection Ordinance in March, 2008 to protect current and future well sites and excellent recharge areas from potential contamination as a result of development.

Existing Water Infrastructure

The City of Milford has 11 water production wells, four (4) water treatment facilities, three (3) elevated water storage tanks, and three (3) water storage clear wells. The production capacity of the City's wells ranges from 100 to 600 gallons per minute (gpm). All of the four (4) treatment plants include chlorination and fluoridation. In addition, two (2) of the plants incorporate aeration and one (1) of the plants includes iron removal. One of the elevated storage tanks has a volume of 500,000 gallons and the other two (2) have volumes of 250,000 each. One of the storage clear wells has a volume of 300,000 gallons and the other two (2) have volumes of 50,000 gallons each.

The City has a water distribution piping network that distributes the treated water to the users throughout the City's service area. The location of the City's existing wells, elevated storage tanks, and water treatment facilities are shown on Attachment 2. The clear wells are located inside the Seabury (300,000 gallon), 10th Street, and Washington Street treatment facilities.

Need For Updating the Water Facility Plan

The current General Water Facility Plan was completed in January, 2006. Therefore, the current Plan is approximately 4 ½ years old. It is important that the City evaluate the existing infrastructure to ensure that they will be able to meet future water demands as the City expands. In particular, the City needs to evaluate the worth and effectiveness of some of its older wells, treatment plants, and treatment processes. Having accurate knowledge of the condition of the existing infrastructure is necessary when planning for expansion. Unreliable facilities need to be upgraded or replaced so that the City can avoid emergency situations in the future caused by failure of critical components. Planning for and incorporating redundancy into the system will also aid in avoidance of emergencies.

Comprehensive long-term infrastructure planning is also critical from a budgetary standpoint. If infrastructure upgrades or replacement is required, the City must plan for the funding necessary to make these improvements. These long-term costs must be considered when the City forecasts potential adjustment to the water rate schedule or the impact fees. A comprehensive and current Water Facility Plan is critical to proper and effective long-term municipal planning.

Project Scope

The first step in updating the General Water Facility Plan will be to evaluate the existing infrastructure. The age, reliability, and capacities of the wells and treatment systems will be evaluated. Obsolete, unreliable, and/or components with poor capacities will be targeted for upgrade or replacement. Well draw downs and recharge times will be evaluated to gauge the localized impact of a given well on the respective aquifer. Information pertaining to the maintenance history of storage facilities will be gathered. The need for storage facility inspection and/or maintenance will be identified. Information concerning the existing distribution infrastructure will also be gathered. Old piping manufactured from obsolete material will be targeted for future replacement. Anecdotal knowledge concerning poorly operating components such as valves and hydrants will be documented.

The current level of redundancy built into the system will also be evaluated. Treatment processes without standby components will be identified. The current water demand will be compared to the capacity of the wells in an effort to evaluate whether or not additional wells may be required to reduce pump run times.

Finally, a review of the current financial status of the utility will be performed. The review will determine whether the total income from fees is sufficient to offset costs for

maintenance & operation and outstanding debt service. It is critical that the utility be self sufficient. This information will aid in the evaluation of the fee structure.

When the evaluation of the existing system has been completed, recommendations will be made regarding components which should be upgraded, replaced, or added to the system. Improvement needs will be prioritized and a recommended schedule will be formulated. This will allow potential funding methods to be explored.

After the existing system has been fully evaluated, information will be gathered concerning future expansion. Proposed development will be evaluated for potential size, type (commercial, industrial, or residential), and location. Water demand requirements and build out time frame(s) will be forecast. The forecast demand requirements will be compared to the current maximum production capacity. The difference between the current capacity and the future demand, along with the build out time frames will be used to generate a recommended schedule of required infrastructure improvements.

Town Approval for the Project

A copy of the Resolution executed by the City which approves of the project and the submission of this application is included as Attachment 3.

City of Milford



Resolution

2010-14

WHEREAS, the City Council of the City of Milford have approved a project to update the City's General Water Facility Plan; and

WHEREAS, the State Office of Drinking Water has funding available for such projects in their Water Facility Planning Grant Fund.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford, that approval was granted to submit an application to the State Office of Drinking Water for a Water Facility Planning Grant to assist in funding the cost of updating the City of Milford's General Water Facility Plan.

Mayor Joseph R. Rogers

Attest: _____
City Clerk

Adopted: August 23, 2010

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Ordinance 2010-13
Annexation/Lands of Walter N. Thomas II

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Map on Tuesday, August 17, 2010 at 7:00 p.m., or as soon thereafter as possible. A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2010 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2010-13 may be adopted, with or without amendments.

Tax Parcel 5-00-173.00-01-62.00-00001
64.362 Acres Parcel of Land
Current Zone AC/Proposed Zone R-3
State Route 14, North of Delaware County Road 447, Kent County, Delaware

Tax Parcel 5-00-173.00-01-62.02-00001
7.556 Acre Parcel of Land
Current Zone AC/Proposed Zone R-3
State Route 14, North of Delaware County Road 447, Kent County, Delaware

An Ordinance to Amend the Zoning designation of the parcel of land under the legal ownership of Walter N. Thomas II, Tax Parcels 5-00-173.00-01-62.00-00001 and 5-00-173.00-01-62.02-00001, situated south of State Route 14 and north of County Road 447, Kent County, to be annexed into the City of Milford by resolution, hereafter adopted by the City Council of Milford, Delaware.

WHEREAS, the land hereinafter described is contiguous and adjacent to the City of Milford and the owner, thereof, has petitioned City Council to annex the same into the City of Milford, and

WHEREAS, it appears to the Mayor and City Council of the City of Milford, Delaware, that the hereinafter described property will be annexed to and become part of the City of Milford and that a zoning classification is required, and

WHEREAS, the land owned by Walter N. Thomas II is presently zoned by Kent County as "AC" (Agricultural Conservation), and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission and after a due hearing as provided by law, the Zoning Commission made its recommendation to City Council, and

WHEREAS, after a Public Hearing held on September 27, 2010 and after considering the recommendation of the City Council Annexation Committee, the City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Kent County, Delaware:

Tax Parcel 5-00-173.00-01-62.00-00001
64.362 Acres Parcel of Land
State Route 14, North of Delaware County Road 447, Kent County, Delaware

BEGINNING for the same at a rebar and cap set at the intersection of the division line between the land conveyed by and described in a deed from Myra H. McIlvaine to Howard F. Morton and Phyllis Ann Morton dated July 31, 1959 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book C, Volume 22, Page 447 and the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2521, Page 141 with the southern right of way of Delaware Route 14, eighty foot wide, thence binding on southern right of way of Delaware Route 14, as now surveyed, with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 62° 50' 42" East 327.57 feet to a rebar and cap set at the northwest corner of Lot 1 as shown on a plat entitled "Minor Subdivision Survey, prepared for Walter N. Thomas, II" and recorded among the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence leaving the southern right of way of Delaware Route 14 and binding on the outline of said Lot 1, the following five courses, viz
2. South 34° 44' 24" West 216.04 feet:
3. South 27° 21' 26" West 201.23 feet to a pin and cap (Adams-Kemp) heretofore set,
4. South 19° 39' 12" West 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
5. South 12° 05' 37" East 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. South 46° 57' 53" East 277.57 feet to a pin and cap (Adams-Kemp) heretofore set , and
7. North 35° 10' 24" East 511.09 feet to a pin and cap (Adams-Kemp) heretofore set at the end of the second or South 38° 58' West 176.57 foot line of a deed from Grace M. Thomas to Jon A. Thomas, dated August 23, 1991 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book H, Volume 50, Page 325, thence leaving the aforesaid Lot 1 and binding reversely on the second line of said deed,
8. North 33° 15' 46" East 176.56 feet to a one inch pipe heretofore set at the end of the second or North 53° 30' 00" West 209.79 foot line of a deed from Jardevtan Corporation to Patricia M. Marney, dated August 29, 2005 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2375, Page 094, thence binding reversely on the second and first lines of the last mentioned deed, the following two courses, viz:
9. South 59° 28' 22" East 210.00 feet to a rebar heretofore set, and,
10. North 38° 06' 38" East 68.69 feet to a rebar and cap set on the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
11. By a non-tangent curve to the right with a radius of 3397.87 feet and an arc length of 335.20 feet, said curve being subtended by a chord bearing South 55° 57' 09" East 335.07 feet to a rebar and cap set at the end of the fourth or North 60° 57' 00" East 185.32 foot line of a deed from Polly Hudson to Polly O'Day and Thomas O'Day dated February 17, 2006 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2770, Page 302, thence binding reversely on said fourth line,
12. South 34° 04' 53" West 189.69 feet, thence binding in or near the center of a ditch, the following seventeen courses, viz:
 13. South 32° 56' 39" West 9.00 feet,
 14. South 36° 27' 16" West 51.77 feet,
 15. South 38° 29' 07" West 65.98 feet,
 16. South 36° 37' 41" West 48.90 feet,
 17. South 34° 05' 59" West 61.05 feet,
 18. South 27° 13' 27" West 37.39 feet,
 19. South 21° 42' 17" East 77.94 feet,
 20. South 30° 53' 41" West 71.70 feet,

21. South 47° 36' 00" West 43.38 feet,
22. South 49° 53' 24" West 69.97 feet,
23. South 47° 55' 06" West 69.19 feet,
24. South 74° 09' 47" West 37.17 feet,
25. South 47° 00' 07" West 94.01 feet,
26. South 33° 44' 05" West 66.74 feet,
27. South 30° 33' 37" West 62.79 feet,
28. South 31° 20' 18" West 58.11 feet,
29. South 47° 48' 37" West 161.09 feet to the end of the fourth or South 34° 26' 35" East 95.21 foot line of a deed from Walter N. Thomas to Jeffrey A. Thomas and Nancy J. Thomas, dated March 17, 2003 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 532, Page 030, thence binding reversely on the fourth, third, and in part on the third lines of the last mentioned deed, the following three courses, viz:
 30. North 38° 12' 32" West 95.21 feet,
 31. North 30° 51' 16" West 72.69 feet, and
 32. South 14° 11' 36" West 774.23 feet to the center of County Road 447, thence binding in the center of County Road 447,
33. South 84° 32' 03" West 1295.05 feet to a boundary line agreement between the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed and described in a deed from Wayne L. Hill to Wayne L. Hill, Trustee under the Revocable Trust Agreement of Wayne L. Hill dated 12/18/95, dated December 18, 1995 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 153, Page 274. thence binding on the boundary agreement line,
34. North 14° 56' 54" East 2255.01 feet to a ¾ inch pipe heretofore set at a common corner for the said land of Walter N. Thomas and Walter N. Thomas II and the land conveyed by and described in a deed from David E. Baker and Shirley A. Baker to Robert E. Southard, III and Jeanette Ann Southard, dated May 5, 1976 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book R. Volume 30, Page 143, thence binding in part on the land of Robert E. Southard, III and Jeanette Ann Southard and binding in part on the land described and conveyed in a deed from Willard E. Zook and Virginia Zook to Donald L. Brittingham and Margaret E. Brittingham, dated June 21, 1984 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Book L., Volume 39, Page 264 and binding in part on the aforesaid land of Howard F. Morton and Phyllis Ann Morton,
35. South 62° 52' 18" East 256.08 feet, thence binding reversely on the second or South 35° 30' West 430 foot line of the aforesaid Howard F. Morton and Phyllis Ann Morton deed,
36. North 27° 07' 42" East 422.47 feet, to the place of beginning,

CONTAINING 64.362 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING currently known as Tax Map Parcel 500-17300-01-6200-00001.

Tax Parcel 5-00-173.00-01-62.02-00001

7.556 Acre Parcel of Land, Land of Walter N. Thomas, II
State Route 14, North of Delaware County Road 447, Kent County, Delaware

BEGINNING for the same at rebar and cap heretofore set on the southern right of way of Delaware Route 14, eighty foot wide, said rebar and cap being the northeast corner of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 101, Page 96, thence binding on the outline of Lot 1, as now surveyed with bearings referred to the Delaware Coordinate System (NAD'83/86),

1. South 34° 44' 24" West 216.04 feet to a rebar heretofore set,
2. South 50° 16' 32" East 115.08 feet to a pin and cap (Adams-Kemp) heretofore set,
3. South 35° 10' 24" West 511.09 feet to a pin and cap (Adams-Kemp) heretofore set,
4. North 46° 57' 53" West 277.57 feet to a pin and cap (Adams-Kemp) heretofore set,
5. North 12° 05' 37" West 358.28 feet to a pin and cap (Adams-Kemp) heretofore set,
6. North 19° 39' 12" East 192.30 feet to a pin and cap (Adams-Kemp) heretofore set,
7. North 27° 21' 26" East 201.23 feet to intersect the aforesaid southern right of way of Delaware Route 14, thence binding on the southern right of way of Delaware Route 14,
8. South 62° 50' 42" East 505.54 feet to the place of beginning,

CONTAINING 7.556 acres of land, more or less, BEING part of the land conveyed by and described in a deed from Walter N. Thomas to Walter N. Thomas and Walter N. Thomas II dated November 4, 2005 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware in Deed Book 2521, Page 141. BEING ALL of Lot 1 as shown on a plat entitled "Minor Subdivision Plan, prepared for Walter N. Thomas II dated October 27, 2009 and recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 107, Page 90. BEING currently known as Tax Map Parcel 5-00-17300-01-6202-000001,

upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as R-3(Garden Apartment and Townhouse District).

Dates:

Planning Commission Public Hearing: August 17, 2010

Introduction to City Council: August 23, 2010

Projected Date of Adoption by City Council: September 27, 2010

Projected Effective Date: October 7, 2010

Both Public Hearings will be held in the Council Chambers at Milford City Hall, Milford, Delaware. A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963 or by accessing its website at cityofmilford.com

By: Terri K. Hudson, CMC

CITY OF MILFORD ORDINANCE
Realignment of Boundary Lines of Ward I and Ward III

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2010-15

Section 1.

WHEREAS, an error was discovered by the Charter Review Committee in which it was determined that lands in Ward 3 were not contiguous with other lands in that ward but did share a common boundary with Ward I; and

WHEREAS, this resulted in a failure to comply with the contiguous and compactness requirements of Article II, Section 2.07 of the City of Milford Charter; and

WHEREAS, this matter was presented to the City Council who recognized the need to protect communities of interest; and

WHEREAS, adjustments to the City Council Districts ensures fair representation for all citizens and conforms with the requirements of the United States Constitution and federal statutes; and

WHEREAS, upon completion and distribution of data from the 2010 Census, additional examination by the Districting Commission may result in an overall Redistricting Plan for the City of Milford.

Section 2.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

1. Portions of Ward I and Ward III, southeast of Milford, are hereby realigned by excluding therefrom Ward III, those lands not contiguous and including therein and therewith subject lands into Ward I.
2. Attached maps display current Wards (#1) and revised Wards (#2) comprised of four contiguous Council districts.
3. This Ordinance has been properly advertised and copies of the Ordinance and related materials made available to the public on August 23, 2010.
4. By a vote of _____, Milford City Council approves the realignment of Council District Boundaries, specifically Ward I and Ward III, and whose legal descriptions, in their entirety, as shown below:

CITY OF MILFORD-DESCRIPTION OF WARD BOUNDARIES

The First Ward shall consist of all the territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by the centerline of Southeast Front Street, in a westerly direction to its point of intersection with South Walnut street; thence by the centerline of South Walnut Street in a southerly direction to the corporate limits of the City; thence along the corporate limits in a northeasterly direction to the intersection of the corporate limits to the western most point of Shawnee Country Club; thence along the corporate limits in a generally southeasterly direction to the point of intersection of Johnson Road; thence continuing with the corporate limits in a northeasterly direction to the intersection with DE Route 1; thence continuing with the corporate limits in a northwesterly direction to the point of intersection on the easterly R.O.W. of Route 1 and Business Route 1; thence continuing with the corporate limits in a northeasterly direction 2,150 feet to the intersection of Beaver Dam Road; thence along the corporate limits in a southeasterly direction to the point of intersection with Sharps Road; thence with the corporate limits and Sharps Road in a Northeasterly direction 2,700 feet; thence leaving Sharps Road and continuing with the corporate limits in a generally northwesterly direction to the intersection with the centerline of Deep Branch; thence with the corporate limits and along the center of the meanderings of Deep Branch in a northeasterly direction through the run of Marshall Mill Pond to its intersection with Business Route 1.

The Second Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U. S. Route 113; thence along the centerline of U. S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U. S. Route 113); thence southerly (in a line parallel to and Five Hundred Feet from the westerly boundary of U. S. Route 113) along the westerly boundary of the City to the shore of Haven Lake; thence westerly following along the shoreline of said Lake to the north side of Evergreen Lane; (thence along the north side of Evergreen Lane to the intersection of Evergreen Lane and a line parallel with and Five Hundred Feet west of the western boundary of U. S. Route 113); thence continuing in a southerly direction along the western boundary line of the City to the southern point of what is known as the Susan & Bruce Geyer property; thence in a northeasterly direction along the corporate limits of the City and Herring Branch to the intersection of the corporate limits and the centerline of South Walnut Street; thence north by the centerline of South Walnut Street to the intersection of Northwest Front Street.

The Third Ward shall consist of all territory within the City limits as follows: Beginning at a point in the center of the intersection of Deep Branch and Business Route 1; thence along the centerline of Business Route 1 in a northerly direction to the point of intersection of Southeast Second Street; thence westerly by the centerline of Southeast Second Street to the point of its intersection with McColley Street; thence by the centerline of McColley Street in a northerly direction to the point of its intersection with Southeast Front Street; thence by centerline of Southeast Front Street in a westerly direction to its point of intersection with South Walnut Street; thence by the centerline of Walnut Street in a northerly direction to the point where it intersects the centerline of U. S. Route 113; thence along the centerline of U.S. Route 113 and U.S. Route 1 in a northerly direction to the intersection of the City limits; thence along the corporate limits in a northerly direction to the northern most point of the City limits; thence along the eastern boundary of the City in a southeasterly direction to a point on the southeast corner of U.S. Route 1 and State Route 36; thence along the corporate limits in a southwesterly direction to the point of its intersection with U.S. Business Route 1; thence with the corporate limits in a northwesterly direction to the center of the intersection of Deep Branch and Business Route 1.

The Fourth Ward shall consist of all territory within the City limits as follows: Beginning at a point in the intersection of North Walnut Street and Northwest Front Street; thence along the centerline of Northwest Front Street in a westerly direction to the point of its intersection with U. S. Route 113; thence along the centerline of U. S. Route 113 in a southerly direction to the point of its intersection with North Shore Drive; thence westerly by the centerline of North Shore Drive to its point of intersection with the western limits of the City (a distance of Five Hundred Feet west of the western boundary of U. S. Route 113); thence in a generally northerly direction along the western boundary of the City to a point where said line would intersect the northerly boundary of the Third Ward; thence southerly along the aforesaid line of the Third Ward, to the point of intersection of the centerlines of North Walnut Street and U. S. Route 113; thence by the centerline of North Walnut Street to its intersection with Northwest Front Street. The City Council may provide for a fifth ward and re-arrange the boundaries of the four wards provided for herein, in the event of annexation or re-apportionment as hereinafter set forth.

Section 3. The new Council districts and boundaries shall supersede previous districts and boundaries and whose legal description, contained herein, and official map shall be filed in the Office of the City Clerk.

Section 4. Official Maps (see attached).

#1 Current Wards

#2 Proposed Wards (Ward I and Ward III realigned)

Section 5.

Dates.

Ordinance & Map Publication Dates:

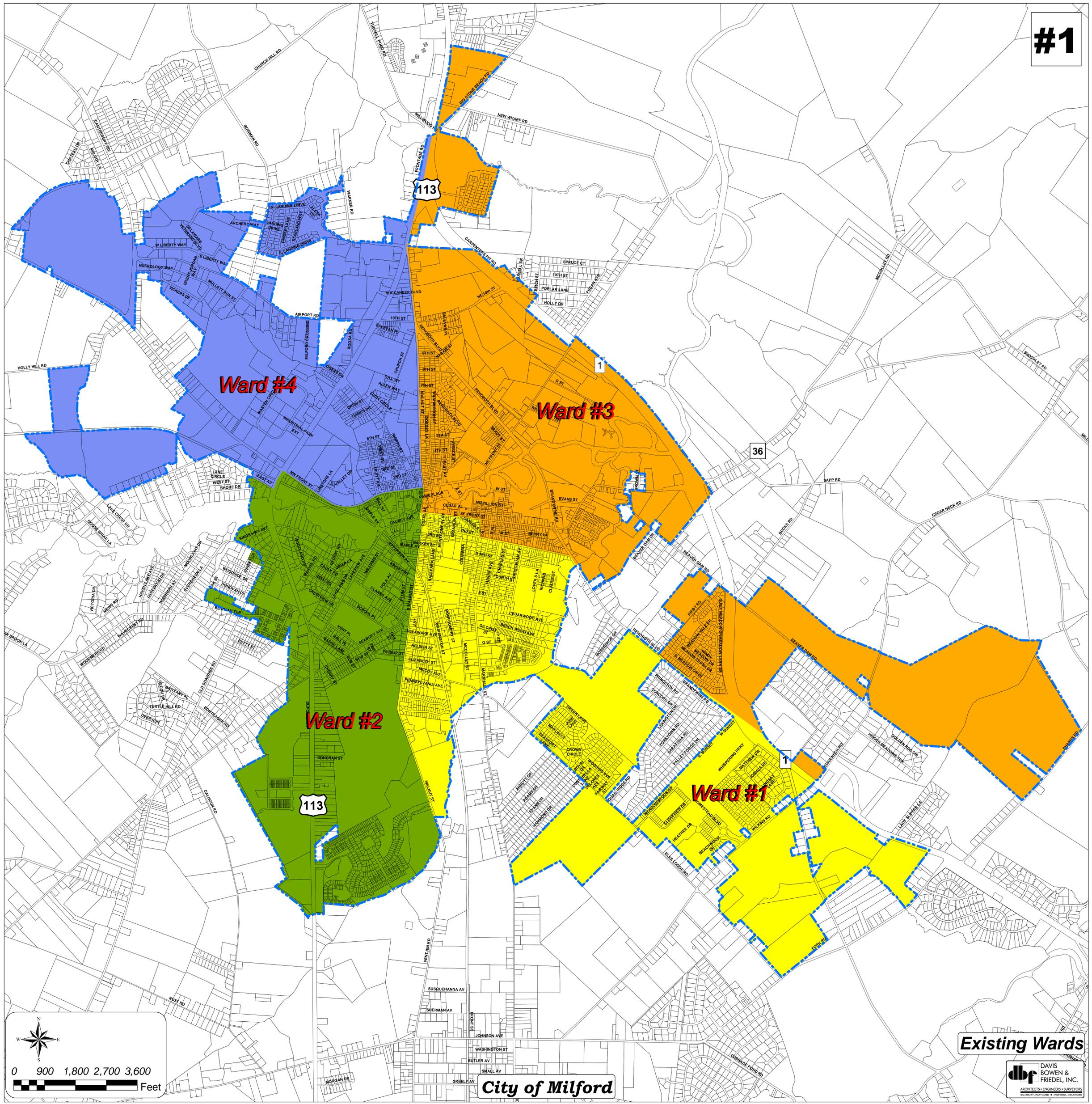
Milford Chronicle 08/25/10

The Beacon 08/26/10

Introduction - City Council: 08/23/10

Adoption - City Council: 09/27/10

Effective - 10/07/10

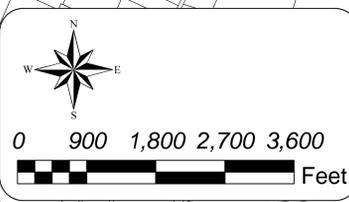


Ward #4

Ward #3

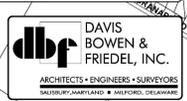
Ward #2

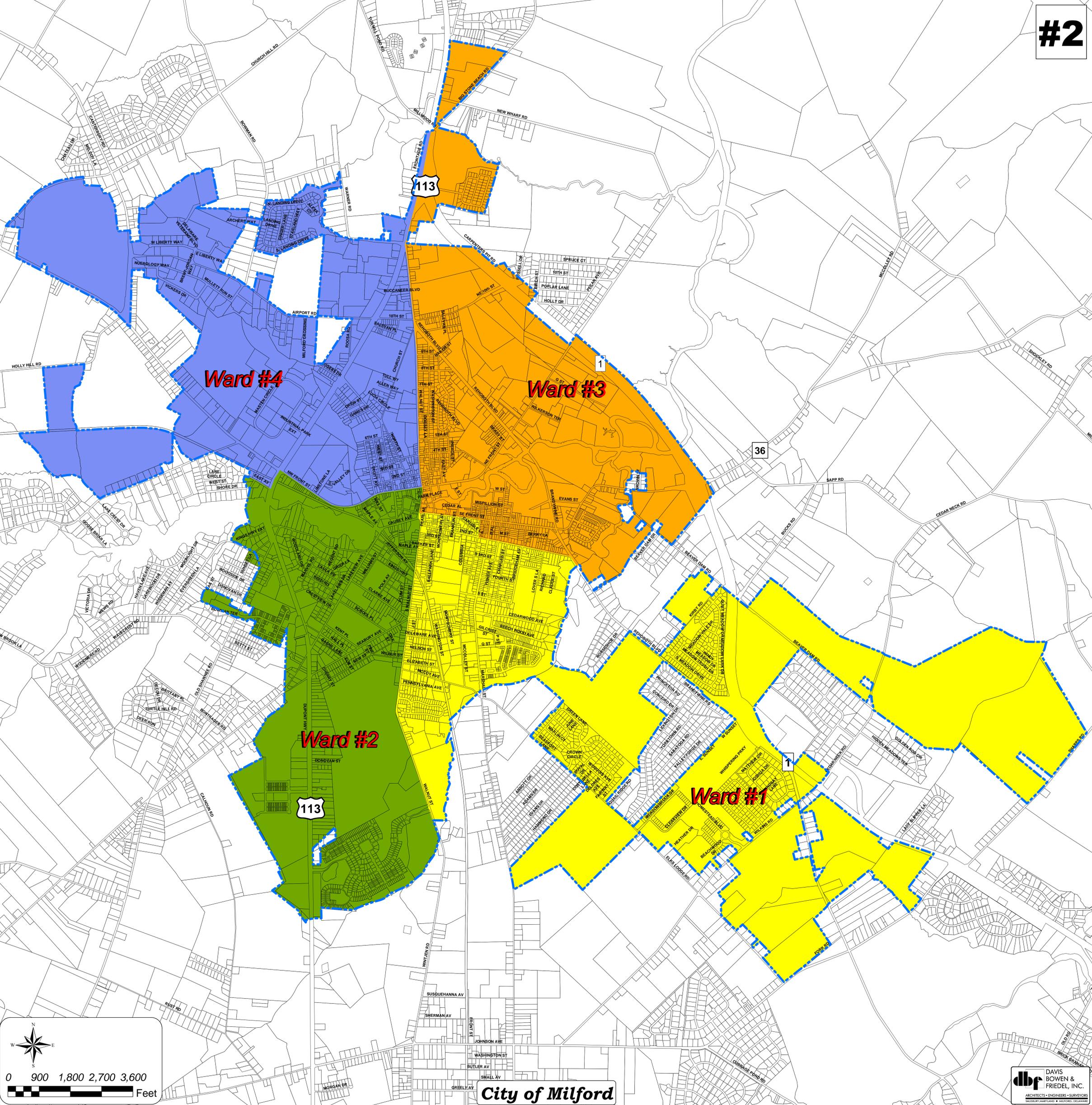
Ward #1



City of Milford

Existing Wards



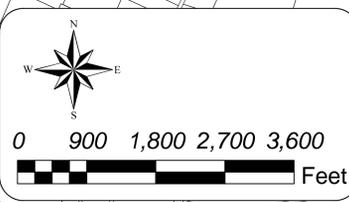


Ward #4

Ward #3

Ward #2

Ward #1



CITY OF MILFORD MEMORANDUM

TO: Mayor & City Council
FROM: David W. Baird, City Manager
SUBJECT: Proposed Ordinance—Property Tax Due Date and Penalties
DATE: August 13, 2010

Per Mr. Brooks' request during the August 9, 2010 Council meeting on this subject, City Council is authorized to establish a due date for property taxes per section 7.12 C of the City Charter:

(c) All taxes shall be due and payable on the date set by Council. To every tax not paid after the said date each year there shall be added and collected a penalty, for each month that the said tax remains unpaid. The penalty rate charged is to be set by Council through ordinance. Before exercising any of the powers herein given for the collection of taxes, written notices of the amount due shall be given to the taxable.

With this in mind, I have prepared the attached ordinance to address the due date and penalty amount for annual property tax billings. The ordinance establishes a due date of September 30 of each year and states that penalties will begin after that date. It also makes a provision that allows City Council to not impose penalties on October 1 by adopting a resolution which provides for a different date for penalties to be imposed.

If this is something, City Council would like to consider, I recommend the ordinance be formally introduced so it may be voted upon during a future meeting.

ORDINANCE 2010-16

AN ORDINANCE TO AMEND CHAPTER 204 OF THE CODE OF THE CITY OF MILFORD, TAXATION, FOR THE PURPOSES OF ESTABLISHING A DUE DATE FOR PROPERTY TAXES AND PENALTIES FOR NON-PAYMENT.

WHEREAS, the City recognizes many of its citizens are experiencing financial challenges; and,

WHEREAS, both the County and City property tax bills are due and can be paid without penalty by September 30, 2010; and,

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE III—Property Taxes

§204-10 Due Date for Payment of Property Taxes.

Property taxes shall be payable on or before September 30 of each year.

§204-11 Penalties.

To every tax not paid after the said date established in §204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month or fraction thereof shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in §204-10 for the addition and collection of penalties.

Section 2. Dates

Introduction to City Council—August 23, 2010

Projected Adoption by City Council—September 13, 2010

Projected Effective Date—September 23, 2010

081610

Introduction of Ordinance 2009-10/Lighting

The following ordinance was introduced to council at this time:

ORDINANCE NO. 2009-10

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER ENTITLED LIGHTING STANDARDS.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amend the Milford Code by adding a new Chapter Lighting Standards to read as follows:

Chapter ____
Lighting Standards

§ -1 Statement of Need and Purpose

The City of Milford recognizes the following:

1. Improperly located lighting can cause unsafe and unpleasant condition;
2. Excessive lighting can cause unsafe, unhealthful and unpleasant conditions, waste electricity and threaten the natural environment;
3. Obtrusive lighting and light trespass can cause unsafe and unpleasant conditions;
4. Proper lighting can enhance safety and enjoyment of the built environment;
5. Illumination levels should be appropriate to the visual task.

§ -2 Ordinance Establishment

This ordinance is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

1. Allow appropriate lighting levels to preserve safety, security, and the nighttime use and enjoyment of property;
2. Reduce light pollution, light trespass, glare, and offensive lighting;
3. Promote energy conservation;
4. Allow people in residential areas to view the stars against a dark sky;
5. Enhance the aesthetics of the built environment; and
6. Protect the character of the natural environment and preserve ecological values.

§ -3 Lighting Definitions

For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

Glare: Intense and blinding light. Causes visual discomfort or disability.

Landscape lighting: Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.

Obtrusive light: Spill light that causes glare, annoyance, discomfort, or loss of visual ability.

Light Pollution.

Luminary (light fixture): A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

Fully shielded (full cutoff) luminary: A luminary emitting no light above the horizontal plane.

Spill light: Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Light trespass: Light falling where it is not wanted or needed. Light trespass is intrusive lighting.

Spill light (also called stray light) is light falling outside of the intended area, and it can result in light trespass. Light coming into a yard or bedroom window at night from streetlights, the nearby car dealer or mall, or from a neighbor's security light is light trespass. This type of light pollution usually has glare and always wastes both light and energy.

§ -4 Maximum Lamp Wattage and Required Luminaries or Lamp Shielding

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

§ -5 Applicability

1. New construction/uses. The provisions of this ordinance shall apply to parking lots, buildings, structures, and land uses established after the effective date of this ordinance.
2. Expansion and redevelopment. The provisions of this ordinance shall apply to the entire building/structure, parking area, or use, as appropriate, under the following conditions:
 - a. When a building or structure is expanded in size by 25 percent or more;
 - b. When the area of a parking area is expanded by 25 percent or more;
 - c. If existing lighting is shown to be a safety hazard;
 - d. When an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; and
 - e. Any other activity subject to site plan or subdivision review, and
 - f. During the course of natural upgrades and maintenance so all lighting in the city will comply by January 2025.
3. Exemptions. The following are exempt:
 - a. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
 - b. Exit signs and other illumination required by building codes.
 - c. Lighting for stairs and ramps, as required by the building code.
 - d. Signs are regulated by the sign code, but all signs are to be fully shielded.
 - e. Holiday and temporary lighting (less than thirty days use in any one year).
 - f. Football, baseball, softball and other sport field lighting utilizing sensible curfews (not past 10 p.m. unless in conjunction with an event already started and continuing before that time).
 - g. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
4. Severability and conflicts with other ordinances
 - a. Validity and Severability: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
 - b. Conflict with Other Ordinances: Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision shall prevail.

§ -6 Additional Requirements:

1. Residential Outdoor lighting. Lighting attached to single-family home structures should not exceed the height of the eave and should be shielded such that the lamp image is not directly visible outside the property perimeter.
2. Pole-mounted luminaries. Luminaries shall not be taller than 15 feet in residential and downtown zoning districts or when placed within 50 feet of a residential zoning district.
In all other zoning districts, luminaries shall not be taller than 30 feet;
3. Building-mounted luminaries. In non-residential zoning districts, building-mounted luminaries shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-pack luminaries is discouraged;
4. Overhead electrical lines prohibited. For new installations, electrical lines for luminaries mounted on freestanding poles shall be placed underground between poles.
5. Material for light poles. Light poles shall be anodized, painted or otherwise coated so as to minimize glare from the light source;

6. Continued maintenance. Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis;
7. Lighting curfew. For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more shall be reduced to 50 percent one hour after the business closing to one hour before the business opens.;
8. Luminaire types. Full-cutoff luminaries shall be used in parking areas, along internal streets, and along pedestrian ways. The City/town may allow cutoff luminaries or semicutoff luminaries in these locations when the overall uplight would be less than for fullcutoff luminaries. To promote a unified development theme, post top luminaries (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this ordinance, all other luminaries shall be directed downward and the light source shall be shielded so that it is not visible from any adjacent property;

§ -7 Other Guidelines

1. Flag poles, statues and similar monuments. A flag pole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated provided the following standards are met:
 - a. The luminaries shall be fully shielded.
 - b. Upward aiming luminaries shall be placed as close to the base as possible.
 - c. The luminaries shall not collectively exceed 40,000 mean lumens.
 - d. Public statues, memorials or other similar monuments may also be lighted upon approval by the planning board, provided the above standards are met.
2. Building façade lighting. The exterior of a building may be lighted provided the following standards are met:
 - a. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
 - b. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.
 - c. Upward aimed lighting shall not exceed 4,000 mean lumens per accent feature, shall be fully shielded, and mounted as flush to the wall as possible.
 - d. Lighting exceeding 4,000 mean lumens per accent feature shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.

Section 2. Dates.

Introduction to City Council: June 22, 2009

Planning Commission Public Hearing: July 21, 2009

Projected Adoption Date by City Council: July 27, 2009

Projected Effective Date: August 6, 2009

City Planner Norris advised the amendment regarding lighting in subdivisions and developments has been discussed by the planning commission as well as Electric Superintendent Rick Carmean. The intent is to provide low level lighting and dark sky preservation. The ordinance was received favorably by members of the planning commission.

City Manager Baird asked if this is something council wants to introduce for further consideration adding this would establish a new chapter in the code.

Planning Commission Chairman Chuck Rini then advised council this also has an environmental impact and National Geographic recently did an article about why dark skies are needed and their impact on live species. There is an actual movement for dark skies which should also be taken into consideration.

Mr. Workman said he has dealt with problems created by extremely bright lights focusing on surrounding residential properties. He agrees with the concept as long as there is adequate lighting to prevent any safety issues.

Ms. Wilson agrees with Mr. Workman that safety needs to be considered particularly considering the fact that crime is on the increase. She feels that well-lit streets, parking lots and pedestrian areas need to be maintained. She is somewhat hesitant because dimmer lighting can sometimes add to that statistic. As long as it does not create a hazzard, she will agree.

Mr. Baird confirmed that the lights will remain lit but somewhat diffused.

Public comment will be taken on the ordinance at the July 27, 2009 meeting.

ITEM PULLED FROM JULY 27, 2009 MEETING UNTIL PLANNING COMMISSION TOOK FINAL ACTION; NO FURTHER INFORMATION PROVIDED.

ON JUNE 14, 2010—the following was discovered:

Planning Commission Meeting/August 18, 2009

[Final Review and Recommendation Ordinance 2009-10/Chapter ___; Lighting Standards](#)

This item was on the agenda last month, however the complete ordinance was not included in the packet so it was tabled until this month. These standards will be required for any application submitted after approved by Council, if approved.

A motion to recommend approval to Council by Mrs. McColley was seconded by Mr. Rini. Motion carried with the following votes:

Yes – McColley, Burk, Sharp, Rini

No - Kramlich

ORDINANCE AGAIN PLACED ON JULY 26, 2010 AGENDA

PUBLIC NOTICE
CITY COUNCIL PUBLIC HEARING
City of Milford Subdivision Code Amendment
Ordinance 2009-10 Lighting

NOTICE IS HEREBY GIVEN the City Council of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Subdivision Code on Monday, July 26, 2010 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers.

Following the hearing, Ordinance 2009-10 may be adopted, with or without amendments.

ORDINANCE NO. 2009-10

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER ENTITLED LIGHTING STANDARDS.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Amend the Milford Code by adding a new Chapter entitled Lighting Standards to read as follows:

Chapter ____
Lighting Standards

§ -1 Statement of Need and Purpose

The City of Milford recognizes the following:

1. Improperly located lighting can cause unsafe and unpleasant condition;
2. Excessive lighting can cause unsafe, unhealthful and unpleasant conditions, waste electricity and threaten the natural environment;
3. Obtrusive lighting and light trespass can cause unsafe and unpleasant conditions;
4. Proper lighting can enhance safety and enjoyment of the built environment;
5. Illumination levels should be appropriate to the visual task.

§ -2 Ordinance Establishment

This ordinance is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

1. Allow appropriate lighting levels to preserve safety, security, and the nighttime use and enjoyment of property;
2. Reduce light pollution, light trespass, glare, and offensive lighting;
3. Promote energy conservation;
4. Allow people in residential areas to view the stars against a dark sky;
5. Enhance the aesthetics of the built environment; and
6. Protect the character of the natural environment and preserve ecological values.

§ -3 Lighting Definitions

For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

Glare: Intense and blinding light. Causes visual discomfort or disability.

Landscape lighting: Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.

Obtrusive light: Spill light that causes glare, annoyance, discomfort, or loss of visual ability.
Light Pollution.

Luminary (light fixture): A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

Fully shielded (full cutoff) luminary: A luminary emitting no light above the horizontal plane.

Spill light: Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Light trespass: Light falling where it is not wanted or needed. Light trespass is intrusive lighting.

Spill light (also called stray light) is light falling outside of the intended area, and it can result in light trespass. Light coming into a yard or bedroom window at night from streetlights, the nearby car dealer or mall, or from a neighbor's security light is light trespass. This type of light pollution usually has glare and always wastes both light and energy.

§ -4 Maximum Lamp Wattage and Required Luminaries or Lamp Shielding

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

§ -5 Applicability

1. New construction/uses. The provisions of this ordinance shall apply to parking lots, buildings, structures, and land uses established after the effective date of this ordinance.
2. Expansion and redevelopment. The provisions of this ordinance shall apply to the entire building/structure, parking area, or use, as appropriate, under the following conditions:
 - a. When a building or structure is expanded in size by 25 percent or more;
 - b. When the area of a parking area is expanded by 25 percent or more;
 - c. If existing lighting is shown to be a safety hazard;
 - d. When an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; and
 - e. Any other activity subject to site plan or subdivision review, and
 - f. During the course of natural upgrades and maintenance so all lighting in the city will comply by January 2025.
3. Exemptions. The following are exempt:
 - a. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
 - b. Exit signs and other illumination required by building codes.
 - c. Lighting for stairs and ramps, as required by the building code.
 - d. Signs are regulated by the sign code, but all signs are to be fully shielded.
 - e. Holiday and temporary lighting (less than forty-five days use in any one year).
 - f. Football, baseball, softball and other sport field lighting utilizing sensible curfews (not past 10 p.m. unless in conjunction with an event already started and continuing before that time).
 - g. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

4. Severability and conflicts with other ordinances
 - a. Validity and Severability: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
 - b. Conflict with Other Ordinances: Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision shall prevail.

§ -6 Additional Requirements:

1. Residential Outdoor lighting. Lighting attached to single-family home structures should not exceed the height of the eave and should be shielded such that the lamp image is not directly visible outside the property perimeter.
2. Pole-mounted luminaries. Luminaries shall not be taller than 15 feet in residential and downtown zoning districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaries shall not be taller than 30 feet;
3. Building-mounted luminaries. In non-residential zoning districts, building-mounted luminaries shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-pack luminaries is discouraged;
4. Overhead electrical lines prohibited. For new installations, electrical lines for luminaries mounted on freestanding poles shall be placed underground between poles.
5. Material for light poles. Light poles shall be anodized, painted or otherwise coated so as to minimize glare from the light source;
6. Continued maintenance. Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis;
7. Lighting curfew. For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more shall be reduced to 50 percent one hour after the business closing to one hour before the business opens.;
8. Luminaire types. Full-cutoff luminaries shall be used in parking areas, along internal streets, and along pedestrian ways. The City/town may allow cutoff luminaries or semicutoff luminaries in these locations when the overall upright would be less than for fullcutoff luminaries. To promote a unified development theme, post top luminaries (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate upright. Except as provided in this ordinance, all other luminaries shall be directed downward and the light source shall be shielded so that it is not visible from any adjacent property;

§ -7 Other Guidelines

1. Flag poles, statues and similar monuments. A flag pole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated provided the following standards are met:
 - a. The luminaries shall be fully shielded.
 - b. Upward aiming luminaries shall be placed as close to the base as possible.
 - c. The luminaries shall not collectively exceed 40,000 mean lumens.
 - d. Public statues, memorials or other similar monuments may also be lighted upon approval by the planning board, provided the above standards are met.
2. Building façade lighting. The exterior of a building may be lighted provided the following standards are met:
 - a. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
 - b. The light shall only be directed onto the building façade and not spillover beyond the

plane of the building.

- c. Upward aimed lighting shall not exceed 4,000 mean lumens per accent feature, shall be fully shielded, and mounted as flush to the wall as possible.
- d. Lighting exceeding 4,000 mean lumens per accent feature shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.

Section 2. Dates.

Introduction to City Council: June 22, 2009

Planning Commission: July 21, 2009, August 18, 2009

City Council Hearing & Adoption Date: July 26, 2010

Effective Date: August 5, 2010

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the website cityofmilford.com

By: Terri K. Hudson, CMC

06-15-10

CITY OF MILFORD MEMORANDUM

TO: Mayor & City Council
FROM: David W. Baird, City Manager
SUBJECT: Sign/Billboard Ordinance
DATE: August 13, 2010

Based on the discussion held during the July 26, 2010 workshop regarding this issue, I have worked with Mr. Norris to develop the attached substitute ordinance for consideration by City Council.

The major items in the substitute ordinance are as follows:

1. Provides a definition of “billboard” (same as in previous proposal)
2. A billboard is permitted in the C-3 (Highway Commercial) District as a conditional use. (same as in previous proposal) The location of the permitted use has been moved from §230-26, General Conditions for Signs to §230-14C., Conditional Uses in a C-3 District.
3. The specific conditions to approval (size, height, setback, location, etc.) have been removed from the substitute ordinance.
4. The requirement that billboards are subject to the State’s regulations on Outdoor Advertising remain the same.

The Planning Commission has reviewed the application and all advertising and public hearing requirements have been met. The ordinance can be voted on by City Council at anytime.

11-23-09 - Council Meeting

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

Ordinance 2009-22

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

The City of Milford hereby ordains as follows:

Section 1.

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

Section 2.

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

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

Section 3.

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

(12) Billboards.

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

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

Section 5. Dates.

Introduction to City Council: 11-23-09

Planning Commission Public Hearing: 12-15-09

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

(Projected) Effective Date: 01-07-10

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

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

Mr. Brooks questioned billboards not being permitted in the city, but recalled some were approved by the Board of Adjustment. Mr. Willard agreed noting the last case involving billboards went before a Justice of the Peace who agreed the code was clear, but was appealed to the Court of Common Pleas, whose judge felt it was vague and that billboards were not defined. This is a clarification that billboards are not permitted.

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

12-28-09 - Public Hearing

Ordinance 2009-22/An Ordinance to Amend Chapter 230 of the Milford Code Relating to Billboards

Mayor Marabello advised that since action on this ordinance was postponed by the planning commission, the matter will be deferred until such time an opinion is received from the commissioners.

PROPOSED AMENDMENTS TO BILLBOARD ORDINANCE
(suggest to replace the proposed language in its entirety with the following)

ORDINANCE 2009-22

AN ORDINANCE TO AMEND CHAPTER 230 OF THE CODE OF THE CITY OF MILFORD, ZONING, FOR THE PURPOSE OF ALLOWING BILLBOARDS AS A CONDITIONAL USE IN A HIGHWAY COMMERCIAL (C-3) DISTRICT.

WHEREAS, the City acknowledges the current zoning ordinance does not adequately define and address the placement of billboards within the City limits;

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230, Section 4 of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following definition:

BILLBOARD – A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

Section 2. Chapter 230, Section 14.C of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following language:

(18) Billboard, subject to the following:
(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

Section 3. Chapter 230, Section 26.B, of the Code of the City of Milford, entitled Zoning, is hereby amended as follows:

ZONING
City of Milford
Sign Types and Allowable Dimensions and Restrictions

See Attached Sign Chart

Section 4. Dates
Introduction to City Council—November 23, 2009
Planning Commission Public Hearing—December 15, 2009
City Council Public Hearing—July 26, 2010
Adopted by City Council (Projected)—August 23, 2010
Effective Date (Projected)—September 2, 2010

Zoning District	TYPES OF SIGNS													PROPOSED Billboard
	Wall or Mailbox (residence/occupant ID)		Freestanding (mounted on posts(s))		Fascia: Commercial (wall, roof edge, etc) (of wall square feet)	Hanging/ Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (non flashing)		EMB Sq Ft	Mobile (mounted, trailer, etc.)	Billboard (outdoor advertisement)	
	Ht	Sq Feet	Ht	Sq Feet			Ht	Sq Feet	Ht	Sq Feet				
R-1	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
R-2	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
R-3	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
C-1	42"	2	48"	4	10%	15	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited
C-2	N/A	N/A	48"	4	10%	20	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited
C-3	N/A	N/A	28'	225	10%	20	10'	48	28'	225	32 and ratio of 4:8	N/A	N/A	CONDITIONAL USE - PER De/DOT Standards
H-1	N/A	N/A	25'	70	5%	N/A	N/A	N/A	25'	70	Prohibited	N/A	N/A	Prohibited
OC-1	N/A	N/A	28'	225	5%	N/A	10'	48	28'	225	Prohibited	N/A	N/A	Prohibited
I-1	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited
I-2	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited

NOTICE OF PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Code Amendment
Ordinance 2010-14

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on the following amendment to the City of Milford Zoning Code on Tuesday, September 21, 2010 at 7:00 p.m., or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2010 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2010-14 may be adopted, with or without amendments.

Ordinance 2010-14

The City of Milford hereby ordains as follows:

Chapter 230: ZONING

Section 1.

An Ordinance to Amend the Code of the City of Milford, Chapter 230, thereof, entitled Zoning, by providing a potential waiver in the number of off street parking spaces for large commercial developments.

Section 2.

Section 230-21, Parking and loading standards, Subsection B, Use Standards, is hereby amended by adding a new sub-paragraph entitled §230-21- B (1) to read as follows:

§230-21- B (1) Reduction in the Required Number of off Street Parking Spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

Section 3.

Dates.

Introduction to City Council: 08-09-10

Planning Commission Hearing: 09-21-10

City Council Hearing and Projected Adoption Date: 09-27-10

Ordinance will become effective ten days following adoption.

Both the Planning Commission and City Council Public Hearings will be held in the Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

The public is invited to attend and encouraged to comment on the amendment to the Zoning Code. If unable to attend, written comments will be accepted up to one week prior to hearings.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963 or through the city website at cityofmilford.com.