

# City of Milford



## CITY COUNCIL AGENDA

**January 12, 2015 - 7:00 P.M.**

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

### COUNCIL MEETING

Call to Order - Mayor Bryan W. Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

City Manager Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management  
Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction  
Ratification/Comcast Agreement

New Business

Introduction/Ordinance 2014-18/Chapter 204/Amendment/Taxation  
Board of Adjustment Vacancy  
Approval/Greater Kent Committee Dues  
Bid Award/138kV Switches & Supports/Electric Department  
Appointment/DEMEC Director & Alternative Director  
Department Name Change/Billing Department  
FY 2014-2015 Budget Adjustment/Armory O&M/General Fund Reserves  
DMI Brewgrass Festival Permit Amendment/Time Change  
DMI Brewgrass Festival/Waiver to Parks and Recreation Ordinance  
Chapter 193/Solid Waste Ordinance/Proposed Amendments  
City of Milford Ethics Ordinance

Monthly Finance Report

Adjourn

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.

**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.**

# Milford Police Department



E. Keith Hudson  
Chief of Police



400 N.E. Front Street  
Milford, Delaware 19963

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: January 12, 2015

RE: Activity Report/December 2014

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## **Monthly Stats:**

A total of 630 arrests were made by the Milford Police Department during December 2014. Of these arrests, 213 were for criminal offenses and 417 for traffic violations. Criminal offenses consisted of 60 felonies and 153 misdemeanors. Traffic violations consisted of 133 Special Duty Radar, 5 Drunk-Driving charges, and 279 other.

Police officers investigated 64 accidents during the month (3 personal injury, and 61 property damage) and issued 104 written reprimands. In addition, they responded to 1046 various complaints including city requests and other agency assistance.

## **Monthly Activities:**

Department members once again participated in "Adopt a Family" for the Christmas Holidays and also assisted in the annual toy drive for local families.

The Community Policing Unit, along with Detective Horsman, gave a presentation to Cub Scout Pack #116 regarding evidence collection. A mock crime scene was set up where children handled the evidence collection in the same manner the police do.

During the month of December two officers attended the ALERRT Training (Active Shooter) sponsored by the Federal Bureau of Investigation.

The department will be hosting a Citizens Police Academy from February 18<sup>th</sup> thru April 15<sup>th</sup> one night per week from 6:00 p.m. to 9:00 p.m.

### **Annual (2014) K-9 Usage Report:**

- Milford Police Department K-9 Unit responded to 1,423 calls for service
- Milford Police Department K-9 Unit was utilized on 155 different incidents
- The following evidence was located and subsequently seized as a direct result of the K-9 Unit:
  - 8,258.17 grams of Marijuana (\$71,666.00 street value)
  - 3.94 grams of Heroin (\$1,478.40 street value)
  - 56.5 grams of Cocaine (\$5,650.00 street value)
    - Total of \$78,794.40 worth of narcotics assets seized
  - \$60,650.86 United States Currency
  - 1 hidden compartment in a motor vehicle
    - Total of \$139,445.26 worth of currency and narcotic assets seized
- K-9 Unit conducted 11 tracks
- K-9 Unit conducted 15 building searches
- K-9 Unit conducted 51 sniffs for controlled dangerous substances
- K-9 Unit conducted 22 assist other police agencies
- K-9 Unit utilized 22 times as a precautionary presence for suspects known to have fight or flight risks
- K-9 Unit utilized to control 19 large violent crowds
- K-9 Unit conducted 7 area searches
- K-9 Unit conducted 1 perimeter assignment
- K-9 Unit had 13 no-bite apprehensions of felony suspects

In addition to their duties, the K-9 Unit frequently worked in conjunction with the patrol unit, assisting in routine patrol functions, traffic and criminal enforcement and the handling of calls for service.

The K-9 Unit also conducted demonstrations for the Bug and Bud Festival, Milford School District and Sussex Technical High School.

The Milford Police Department's K-9 Unit Maintained all necessary bi-weekly in-service training requirements and successfully obtained national recertifications through the National Police Canine Association as dual purpose narcotics and patrol police canines.

## DEC 2014 ACTIVITY REPORT

	Dec 2014	TOTAL 2014	DEC 2013	TOTAL 2013
COMPLAINTS	1046	14499	1078	13177
CRIMINAL ARRESTS	213	2162	98	1654
Felonies	60	500	23	315
Misdemeanors	153	1657	75	1285
TRAFFIC ARRESTS	417	6402	270	4551
Special Duty Radar	133	2509	53	994
D.W.I.	5	61	2	37
Other	279	3834	215	3526
REPRIMANDS	104	1636	128	1602
ACCIDENTS	64	633	53	595
Personal Injury	3	73	7	74
Property Damage	61	560	46	521
Fatal (included in PI)	0	1	0	1
PARKING SUMMONS	9	246	17	207
CRIME PREV. CHECKS	23	544	49	446
FINES RECEIVED	\$ 15,133.45	\$ 146,310.85	\$ 7,069.74	\$ 118,973.40





OFFICE OF THE CITY MANAGER  
HANS MEDLARZ  
TELEPHONE 302-424-3712

201 SOUTH WALNUT STREET  
MILFORD, DE 19963  
FAX 302-424-3558

## January 2015 City Managers Report

### Administration:

- City Hall was open for the Downtown Stroll on December 5<sup>th</sup>.
- The Amory held an open house on December 11<sup>th</sup>.
- The improvements to the customer service building (former PNC) were ongoing with anticipated contractor completion by January 20<sup>th</sup>. The security system and furniture procurement was completed in December and both are to be operational by the end of this month.
- The Mayor and the current and former Manager were briefed by Del DOT officials on the Department's project prioritization process after the 2<sup>nd</sup> November Council Meeting.

### Electric Department:

- Crews assisted Perdue with a primary metering problem.
- Asplundh has started trimming trees along the power distribution lines
- Crews started the service line relocations associated with the Thompsonville Del DOT Project
- The lighting replacement project at the City Hall parking lot was started.
- City assisted Delmarva Power in the replacement of a 138KV air break switch.
- Crews pulled fiber from City Hall to Customer Service Center (PNC Bank).
- Staff opened bids for the 138 KV Motor Operated Switches & Supports with Hamby Young low bidder.
- Gary Johnston obtained his Master Electrician's License.

### Streets and Solid Waste Department:

- Crews worked on two Holidays to provide uninterrupted solid waste collection service to City residents.
- New trash truck from Western Standard has been put to full use but is still experiencing warranty issues.
- Shawnee Acres sewer trench restoration repair was completed by contractor.
- S.E. Front Street striping was completed.
- Maple Avenue culvert was examined and remedial action in progress.

### Water and Sewer Department:

- Crews assisted in the raw water main extension project on Washington Street.
- Valve exerciser was procured with delivery in January.
- Sewer vacuum truck has experienced a blower breakdown is being repaired with back-up contingencies in place.

- CB&I the S.E. water tower contractor started foundation work and offered a change order for adding an obstruction light. It is not required by FAA however with the pending hospital and the likelihood a helipad it may be helpful.
- CB&I asked for an additional 45 days for the delay associated with gaining alternate site access from Route 1. They were concerned that the existing access and its proximity to the new Del DOT overpass acceleration lane was not safe for the large vehicles and obtained an alternate site access permit (temporary) from Del DOT .
- Seabury Ave. aquifer testing continuing resulting in the permit request for a new construction.
- The S.E. water treatment plant is being permitted and advertised.

## Selected Area Utilities

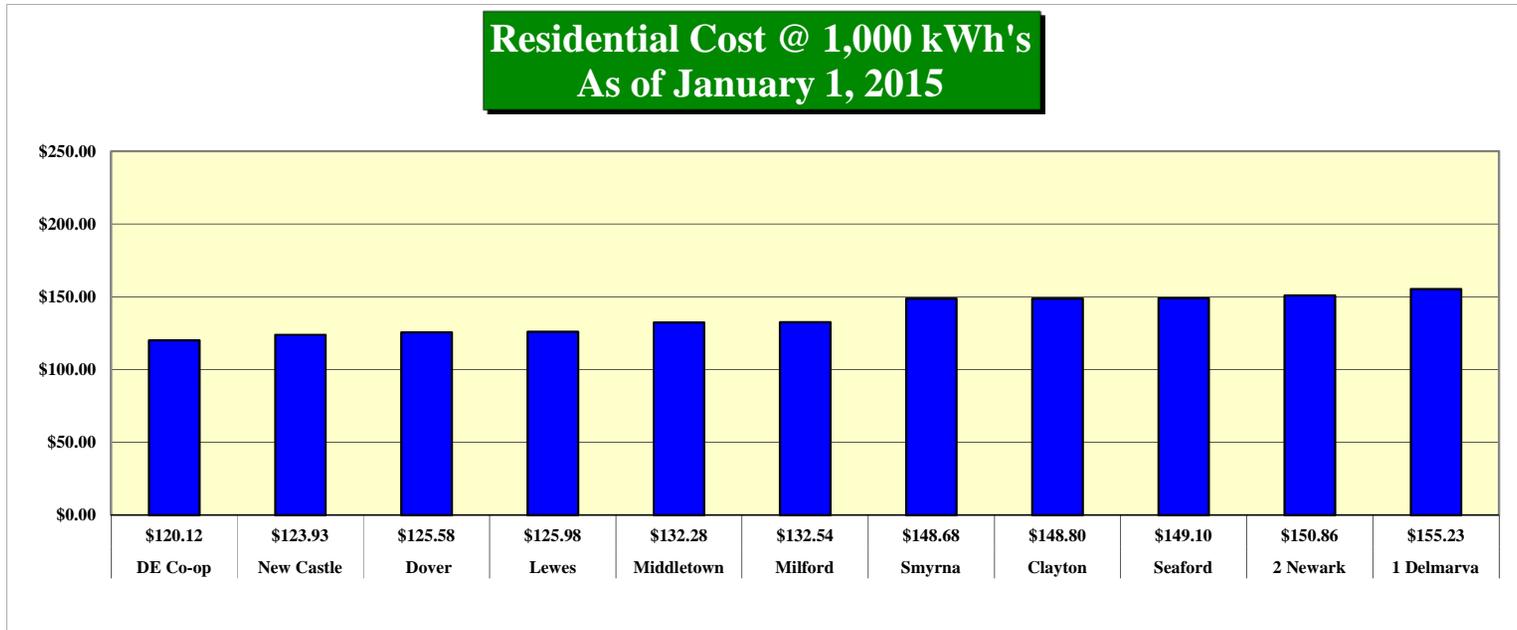
Winter (Oct. - May)

### RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		DE COOP <u>% Difference</u>	DPL <u>% Difference</u>
<u>DE Co-op</u>	\$120.12	0.0%	-22.6%
<u>New Castle</u>	\$123.93	3.2%	-20.2%
<u>Dover</u>	\$125.58	4.5%	-19.1%
<u>Lewes</u>	\$125.98	4.9%	-18.8%
<u>Middletown</u>	\$132.28	10.1%	-14.8%
<u>Milford</u>	\$132.54	10.3%	-14.6%
<u>Smyrna</u>	\$148.68	23.8%	-4.2%
<u>Clayton</u>	\$148.80	23.9%	-4.1%
<u>Seaford</u>	\$149.10	24.1%	-4.0%
<sup>2</sup> <u>Newark</u>	\$150.86	25.6%	-2.8%
<sup>1</sup> <u>Delmarva</u>	\$155.23	29.2%	0.0%

<sup>1</sup> Approximate. DP&L's transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.

<sup>2</sup> City of Newark begins Summer Rates in April.





# DELAWARE SOLID WASTE AUTHORITY

Richard P. Watson, P.E., BCEE  
Chief Executive Officer

Robin M. Roddy, P.E., BCEE  
Chief Operating Officer

**Board of Directors**

Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

November 10, 2014

Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of October 2014.

**October 2014  
Weight in Pounds**

**MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
29,839	400

**MILFORD COMMONS**

18,362	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Christie Murphy  
Attachments: City of Milford Curbside Totals

**CITY OF MILFORD CURBSIDE RECYCLING  
OCTOBER 2014**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
10/2/2014	788013	7100-RC Single Strea	7000-Recommunity	City of Milford	3.53
10/2/2014	788017	7100-RC Single Strea	7000-Recommunity	City of Milford	4.66
10/6/2014	788391	7100-RC Single Strea	7000-Recommunity	City of Milford	4.87
10/9/2014	788755	7100-RC Single Strea	7000-Recommunity	City of Milford	4.59
10/9/2014	788763	7100-RC Single Strea	7000-Recommunity	City of Milford	6.37
10/10/2014	788804	7100-RC Single Strea	7000-Recommunity	City of Milford	3.07
10/10/2014	788806	7100-RC Single Strea	7000-Recommunity	City of Milford	3.44
10/16/2014	789428	7100-RC Single Strea	7000-Recommunity	City of Milford	4.48
10/16/2014	789446	7100-RC Single Strea	7000-Recommunity	City of Milford	3.89
10/23/2014	790147	7100-RC Single Strea	7000-Recommunity	City of Milford	5.32
10/23/2014	790153	7100-RC Single Strea	7000-Recommunity	City of Milford	4.18
10/24/2014	790209	7100-RC Single Strea	7000-Recommunity	City of Milford	3.34
10/24/2014	790210	7100-RC Single Strea	7000-Recommunity	City of Milford	3.42
10/30/2014	790913	7100-RC Single Strea	7000-Recommunity	City of Milford	4.56
10/30/2014	790918	7100-RC Single Strea	7000-Recommunity	City of Milford	3.57
				<b>TOTAL</b>	<b>63.29</b>



# DELAWARE SOLID WASTE AUTHORITY

**Board of Directors**

Richard V. Pryor  
*Chairman*  
Ronald G. McCabe  
*Vice Chairman*  
Theodore W. Ryan  
Timothy P. Sheldon  
Tonda L. Parks  
Gerard L. Esposito  
Gregory V. Moore, P.E.

Richard P. Watson, P.E., BCEE  
*Chief Executive Officer*

Robin M. Roddy, P.E., BCEE  
*Chief Operating Officer*

December 11, 2014

Richard Carmean  
City of Milford  
P.O. Box 159  
Milford, DE 19963

Dear Richard:

Enclosed please find the City of Milford's numbers for the month of November 2014.

**November 2014  
Weight in Pounds**

**MARSHALL STREET**

<b>SINGLE-STREAM TOTAL</b>	<b>OIL GALLONS</b>
28,787	400

**MILFORD COMMONS**

17,715	
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Sincerely,

Rich Von Stetten  
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc  
Christie Murphy  
Attachments: City of Milford Curbside Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455  
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 [www.dswa.com](http://www.dswa.com)

**CITY OF MILFORD CURBSIDE RECYCLING  
NOVEMBER 2014**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
11/6/2014	791608	7100-RC Single Strea	7000-Recommunity	City of Milford	4.95
11/7/2014	791658	7100-RC Single Strea	7000-Recommunity	City of Milford	5.61
11/7/2014	791659	7100-RC Single Strea	7000-Recommunity	City of Milford	5.71
11/13/2014	792384	7100-RC Single Strea	7000-Recommunity	City of Milford	4.22
11/13/2014	792385	7100-RC Single Strea	7000-Recommunity	City of Milford	3.31
11/20/2014	793001	7100-RC Single Strea	7000-Recommunity	City of Milford	3.85
11/20/2014	793009	7100-RC Single Strea	7000-Recommunity	City of Milford	5.34
11/21/2014	793047	7100-RC Single Strea	7000-Recommunity	City of Milford	3.61
11/21/2014	793048	7100-RC Single Strea	7000-Recommunity	City of Milford	4.18
11/26/2014	793631	7100-RC Single Strea	7000-Recommunity	City of Milford	2.13
11/26/2014	793634	7100-RC Single Strea	7000-Recommunity	City of Milford	3.7
				<b>TOTAL</b>	<b>46.61</b>

(NEEDED TO ESTABLISH RULES REGARDING APPEALS, DEADLINES AND SUPPLEMENTAL BILLS)

**ORDINANCE 2014-18**

**CHAPTER 204 - TAXATION**

ARTICLE I - Tax Relief for Senior Citizens

§ 204-1. - Conditions for senior citizen exemption on real property tax.

Every person 65 or more years of age having an income not in excess of \$15,000 per year, exclusive of social security and railroad pensions, and residing in a dwelling owned by him or her which is a part of his or her real property shall be entitled, on proper claim being made thereof, to exemption from taxation on \$40,000 of assessed valuation of such real property, in the aggregate, and in the case of jointly owned property or property owned by husband and wife, such exemption shall be granted where the income of both does not exceed \$25,500 per year, exclusive of social security and railroad pensions.

§ 204-2. - Signed statement required; proof of income.

Every fact essential to support a claim for exemption as provided shall exist during the previous year. Every claimant, therefore, shall sign a statement that he or she is a resident of the City of Milford, of the age of 65 years, the owner and resident of a dwelling which is a part of the real property for which such exemption is claimed and has been a resident of that property for a period of at least one year prior to the year for which he or she is claiming that exemption. Such applicant shall also establish that his or her income for the yearly period did not exceed that allowed in § 204-1, exclusive of social security and railroad pensions.

§ 204-3. - Written application; filing.

No exemption from taxation on the valuation of real property shall be allowed except on written application, on a form prescribed by the City and mailed each year to applicants who have requested such exemption. All applications to be filed will be based on information for the pretax year and must be received prior to the billing process on a date determined each year by the City of Milford.

§ 204-4. - Continued exemptions.

The City shall require the filing of a new application or such proof as deemed necessary to establish the right of the claimant to continued exemption.

§ 204-5. - Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

REMOVE:

ARTICLE II - Exemption of New Improvements Added to Property

~~§ 204-6. - Eligibility for new improvement exemption of real property taxes.~~

~~The exemption shall only apply to the increase in assessed value resulting from substantial rehabilitation, renovation or improvements of existing properties (residential, commercial, industrial, etc.) located within the city limits. New construction does not qualify. The building permit for the said improvements must be issued prior to June 30, 2013 and shall be valid for a period of one year. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.~~

~~§ 204-7. - Amount of the exemption:~~

~~The amount of the exemption shall be determined by subtracting the value of construction per the building permit from the improvement assessment value following the new construction.~~

~~§ 204-8. - Application of the exemption and limitations:~~

~~The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.~~

~~§ 204-9. - Appeals:~~

~~An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.~~

~~§ 204-10. - Due date for payment of property taxes:~~

~~Property taxes shall be payable on or before September 30th 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.~~

**RENUMBER:**

## ARTICLE II – Authority to exempt real property from taxation.

§ 204-6. The city council shall have the power to exempt real property located within the city from municipal property taxes when, in the opinion of the tax assessor, the same will best promote the public welfare. The city assessor shall be empowered to grant tax exemptions pursuant to 9 Del. C. § 8105 and 8110, upon receipt of an application to the City of Milford filed by the organization to establish its entitlement to such exemptions.

§ 204-7. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. § 8330 through 8337, inclusive.

ARTICLE III – Annual Tax Bill.

§204-8. The tax year shall run from October 1<sup>st</sup> through September 30<sup>th</sup> each year based on assessed values as of June 30<sup>th</sup>.

§ 204-9. Property taxes shall be payable on or before September 30<sup>th</sup> of each year.

§ 204-10. To every tax not paid after the said date established in 204-9, there shall be added and collected a penalty, for each month that 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 204-9 for the addition and collection of penalties.

ARTICLE IV- Supplemental Assessments and Tax Bills

§204-11. Supplemental Assessment Required.

A. Changes, including zoning and construction, shall require reassessment of the property at its fair market value as of the date of the last City-wide revaluation. A supplemental assessment will be determined for the amount of difference between the value stated on the regular assessment roll(s) and the new fair market value.

B. Supplemental tax bills shall be issued when there is an increase in taxable value caused by any change as stated in 204-11. More than one tax year may be affected by the increase in value, causing more than one supplemental bill to be issued. Even when a property has been sold, the original owner may be billed for any change in value relating to the dates of their ownership.

C. The increase in assessed value resulting from the reassessment is reflected in a prorated assessment that covers the period from the first day of the month following the supplemental event to the end of the fiscal year.

§204-12. - Assessment Appeals.

A. Appeal date deadlines

Appeal filing deadline (Annual billing)	August 31 <sup>st</sup>
Appeal filing deadline (October billing)	November 30 <sup>th</sup>
Appeal filing deadline (January billing)	February 28 <sup>th</sup>
Appeal filing deadline (April billing)	May 31 <sup>st</sup>

B. Right to appeal is lost if appellant has missed the designated appeal date.

C. Appeals/refunds for errors or opinions of value from appellants will not be heard for prior years.

D. The assessment as revised and adjusted by the board of assessment appeals shall be the listed value for the year under appeal and shall be the basis for the levy and collection of taxes for the city.



**St. Paul United Methodist Church**  
300 North St.  
Milford, DE. 19963-1137  
Phone: (302) 422-0709 ~ Fax: (302) 422-9237  
Church Email: [stpaulumc2@verizon.net](mailto:stpaulumc2@verizon.net)  
Church Web Address: [www.stpaulumc2.com](http://www.stpaulumc2.com)  
*Rev. Dr. Jeanel D. Starling, Pastor*

To: Milford City Council  
From: St. Paul United Methodist Church  
Re: Gifts For Christmas Dinner  
Date: December 30, 2014

Once again, your generosity to the members of St. Paul was greatly appreciated. Because of your gift in providing free hams to support our Free Christmas Dinner on Christmas Day many were helped. This is a major outreach ministry for St. Paul. Christmas is such a time for giving. Because of your support, we were able to feed over 150 people in the Milford Community and beyond. This included the Milford Police who had to work as well.

Lives were touched because of you. Because of your continued gifts to us, we extended our outreach to the Milford Community and beyond. With God's help, we will continue this annual Christmas outreach ministry. Once again, we thank you. We wish the Council a very a prosperous New Year.

Be At Peace,

*Rev. Jeanel D. Starling*

Rev. Dr. Jeanel D. Starling, Pastor

And members of St. Paul United Methodist Church

Worshipful Master Roland Cohee,  
the Past Masters, Officers and Members of

**Temple Lodge No. 9 A.F. & A.M**

cordially invite you to attend the

**Historical Plaque Dedication**

in honor of the Bicentennial Celebration  
of our lodge

**Saturday, January 17, 2015**

**1 PM**

Temple Lodge No. 9 A.F. & A.M.  
127 Causey Avenue  
Milford, DE 19963

Light Refreshments to follow on 2<sup>nd</sup> Floor



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
THE DUNCAN CENTER  
500 W. LOOCKERMAN STREET, 5<sup>TH</sup> FLOOR, DOVER**

\*\*\*\*\*

**THURSDAY, January 22, 2015**

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

**PROGRAM:**

Join DLLG members and associates to kick off the New Year with keynote speaker Sam Calagione, President and Owner of Dogfish Head Brewery in Milton. Dogfish Head opened in 1995. It was the smallest commercial brewery in the country. Today, it is among the fastest growing breweries in America. Mr. Calagione will speak about what makes Dogfish Head click in Delaware, his personal experiences and success strategies, and his visions for economic opportunities down the road. Sam lives in Lewes with his wife and Dogfish VP Mariah and their two children Sammy and Grier.

The evening agenda includes the election of League Officers and Executive Committee members for the new term.

**Next Meeting: Thursday, February 26, 2015**

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**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN JANUARY 15, 2015**

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484  
Phone: 302-678-0991 • Email: [cfluft@udel.edu](mailto:cfluft@udel.edu)

\_\_\_\_\_ will have \_\_\_\_\_ attendees  
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>	<u>Title</u>
_____	&
_____	&
_____	&
_____	&
_____	&
_____	&

- ( ) Check enclosed for ( ) dinners @ \$30 each
- ( ) Please direct bill the Municipality/County/Agency
- ( ) Payment will be made at the door
- ( ) Enclosed for ( ) dinners @ \$30 each

# City of Milford



## Resolution

2015-01

### ACCEPTING PUBLIC IMPROVEMENTS FOR FORK LANDING SUBDIVISION

**WHEREAS**, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by resolution of City Council; and

**WHEREAS**, Former Public Works Director Brad Dennehy has determined that all required improvement for the Fork Landing Subdivision have been completed;

**WHEREAS**, The Fork Landing Subdivision has provided the City of Milford with a maintenance bond for the public improvements and public utilities guarantying the improvement for one year from the date of acceptance of the improvements; and

**WHEREAS**, the water distribution system, sewer system, sewer pumping station and all public streets in the community known as Fork Landing, including Camberly Way, Drummond Drive and Knotts Court are dedicated for public use, as shown on the final map for Fork Landing Subdivision; and

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Milford during a regular session of Council, by a favorable majority vote, accepts the water distribution system, sewer system, sewer pumping station and all public streets and easements of the Fork Landing Subdivision that are to be dedicated for public use into the City of Milford's street system and public utility system; and the City of Milford shall assume responsibility for the future maintenance and repair of all streets, easements and public utility systems in Fork Landing Subdivision as referenced in this resolution.

---

Mayor Bryan W. Shupe

Attest: \_\_\_\_\_  
Teresa K. Hudson, City Clerk

Adopted: September 14, 2009

Attached you will find the Final copy of the "Floodplain Ordinance," Chapter 130. This ordinance has been reviewed by Gary Norris, Gregory Williams (DNREC), and Rebecca Quinn, (CFC from RCQuinn Consulting, Inc.) for compliance. After adoption, please send a finalized copy to Rebecca Quinn (*see correspondence below*)

In addition, I must also make two changes to Chapter 88, Building Code. (also attached).

Thank You,

*Don Williams*

Donald Williams  
Building Inspector, City of Milford  
[dwilliams@milford-de.gov](mailto:dwilliams@milford-de.gov)  
302.422.6616 Ext 176  
302.424-3559 (Fax)

Don,

No comments on the Chapter 88 changes, which modify the building code and residential code to reference Chapter 130 Floodplain Management for FIRMs. Attached is your final draft ready to accept all changes. I've renumbered it for you. Related to your deciding to use BFE + 18" there is a question about Zone AO. Call if my note isn't clear.

This is now ready for adoption. Please let me know your reading dates so DNREC can include them in a status report to FEMA.

**Also, after adoption please scan the fully executed ordinance and send it to me. I prepare the approval package for DNREC to send to FEMA.**

Rebecca C. Quinn, CFM  
RCQuinn Consulting, Inc.  
104 4th St NE #2  
Charlottesville VA 22902  
434-296-1349 (voice)  
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**Chapter 130**  
**FLOODPLAIN MANAGEMENT**

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**[HISTORY: Adopted by the City Council of the City of Milford 9-14-1992. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 88.  
Subdivision of land — See Ch. 200.

Zoning — See Ch. 230.

ARTICLE I  
**General Provisions**

**§ 130-1. Intent.**

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing the unwise design and construction of development in areas subject to flooding.

**§ 130-2. Abrogation and greater restrictions.**

This chapter supersedes any ordinances currently in effect in flood-prone areas. However, any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

**§ 130-3. Applicability.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any development or the new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) within the floodplain area unless a permit has been obtained from the Code Official. Additionally, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Code Official prior to any such development.
- B. Provisions of all other codes, ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this chapter and the community's need to minimize the hazards and damage resulting from flooding.

**§ 130-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BASE FLOOD** — The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood.

**BASEMENT** — Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FLOOD — A general and temporary inundation of normally dry land areas.

FLOODPLAIN:

- A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** — Structures for which the start of construction, as herein defined, commenced on or after September 14, 1992, and includes any subsequent improvements to such structures. [**Amended 6-12-1995**]

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after September 14, 1992. [**Amended 6-12-1995**]

**ONE-HUNDRED-YEAR FLOOD** — A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.

**PERSON** — Any individual or group of individuals, corporation, partnership, association or other entity, including state and local governments and agencies.

**PRINCIPALLY ABOVE GROUND** — Where at least 51% of the actual cash value of a structure, less land value, is above ground.

**RECREATIONAL VEHICLE** — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**START OF CONSTRUCTION** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. Law 97-348, includes substantial improvements and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date.

- A. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include

the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

- B. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

## ARTICLE II

### Establishment of Floodplain Area

#### § 130-5. Identification.

The identified floodplain area shall be those areas of the City of Milford which are subject to the one-hundred-year flood, as shown on the Floodway Map or Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the City of Milford by the Federal Emergency Management Agency (FEMA) dated July 14, 1978, or the most recent revision thereof.

#### § 130-6. Description.

The identified floodplain area shall consist of the following three specific areas:

- A. The floodway area shall be those areas identified as such in the FIS and as shown on the Floodway Map or FIRM. The term shall also include floodway areas identified in other studies for the approximated area discussed in Subsection C below.
- B. The floodway fringe area shall be those areas for which specific one-hundred-year-flood elevations have been provided in the FIS but which lie beyond the floodway area. These areas are shown on the Floodway Map or FIRM.

- C. The approximated area shall be those areas identified as an A Zone on the Floodway Map or FIRM included in the FIS prepared by FEMA and for which no one-hundred-year-flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The City of Milford may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City of Milford.

**§ 130-7. Changes in delineation of area.**

The delineation of the identified floodplain area may be revised by the City of Milford where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

**§ 130-8. Boundary disputes.**

Should a dispute concerning any district boundary arise, an initial determination shall be made by the permit officer, and any party aggrieved by this decision may appeal to the Board of Appeals. The burden of proof shall be on the appellant.

ARTICLE III  
**Utilization of Floodplain Area**

**§ 130-9. Permitted uses.**

In the floodplain area any development and/or use of land may be permitted, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.

**§ 130-10. Encroachments.**

Within any floodway area, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the base flood elevation.

**§ 130-11. Alteration or relocation of watercourse.**

Whenever a developer intends to alter or relocate a watercourse within the floodplain area, the developer shall notify, in writing, by certified mail, all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the City of Milford, in writing, that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

## ARTICLE IV

**Criteria for Building and Site Plan Approval****§ 130-12. Building permit required.**

Building permits are required in order to determine whether all new construction or substantial improvements are:

- A. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Constructed with materials and utility equipment resistant to flood damage.
- C. Constructed by methods and practices that minimize flood damage.
- D. Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**§ 130-13. Basic permit format.**

The basic format of the building permit shall include the following:

- A. Name and address of the applicant.
- B. Name and address of the owner of the land on which proposed construction is to occur.
- C. Name and address of the contractor.
- D. Site location.
- E. A brief description of the proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

**§ 130-14. Elevation and floodproofing information.**

Depending on the type of structure involved, the following information shall also be included with the application for development within the floodplain area:

- A. For structures to be elevated to the base flood elevation:

- (1) A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (2) A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer, surveyor or architect.
  - (3) Plans showing the method of elevating the proposed structure, which includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the permit officer, these plans shall be prepared by a registered professional engineer or architect.
  - (4) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the base flood elevation at the building site.
- B. For structures to be floodproofed to the base flood elevation (nonresidential structures only):
- (1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (2) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits, certified by a registered professional engineer, surveyor or architect.
  - (3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection B(1) above that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
    - (a) Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
    - (b) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

**§ 130-15. Site plan criteria.**

The owner or developer of any proposed subdivision, manufactured home park or subdivision or other development shall submit a site plan to the permit officer which includes the following information:

- A. Name of engineer, surveyor or other qualified person responsible for providing the information required in this section.
- B. A map showing the location of the proposed subdivision and/or development with respect to the municipality's floodplain areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.

- C. Where the subdivision and/or development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two feet or five feet, depending upon the slope of the land, and identify accurately the boundaries of the floodplain areas.

ARTICLE V  
**Specific Requirements**

**§ 130-16. Design and construction standards.**

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions apply to all development, subdivision proposals, manufactured home parks and new construction and to construction of substantial improvements to existing structures occurring in the floodplain area.

A. Basements and lowest floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated one foot above the base flood elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is floodproofed in accordance with § 130-14B.
- (3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured home placement.

- (1) Manufactured homes to be placed or substantially improved within any floodplain area on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or in an existing manufactured home park or subdivision in which a

manufactured home has incurred substantial damage, as defined herein, as the result of a flood shall:

- (a) Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated one foot above the base flood elevation; and
  - (b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of Subsection B(1) shall be elevated so that either:
- (a) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored concrete foundation system to resist flotation, collapse and lateral movement.
- C. Recreational vehicle placement. Recreational vehicles to be placed within any floodplain area shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the provisions of Subsection B(1) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All recreational vehicles shall be utilized only within an approved state park area.
- D. Fill. If fill is used to raise the finished surface of the lowest floor to the base flood elevation:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally 15 feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally 15 feet beyond the building line, shall be provided to a minimum of 25% of the perimeter of a nonresidential structure.
  - (2) Fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
  - (3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
  - (4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes is submitted to and approved by the permit officer.
  - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

- E. Placement of buildings. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of floodwater.
- F. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All such anchoring shall be designed by an architect certified by the State of Delaware.
  - (2) All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.
  - (3) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement.
    - (a) Methods of anchoring may include but are not limited to over-the-top and frame ties to ground anchors, such as the following:
      - [1] Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side, which shall be located at the midpoint of the unit's length.
      - [2] Frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
      - [3] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
      - [4] Any additions to a manufactured home shall be similarly anchored. Determination of said anchoring shall be by the Code Official.
    - (b) This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- G. Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life shall be stored below base flood elevation.
- H. Utility and facility requirements.
- (1) All new or replacement water systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
  - (2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  - (3) All other new or replacement public and/or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. Drainage. Adequate drainage shall be provided to reduce exposure to flood hazard.

## ARTICLE VI Administration

### § 130-17. Permit and site plan approval required.

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any development or the new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) within the floodplain area unless a permit has been obtained from the Code Official. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to and approved by the Code Official prior to any such development.

### § 130-18. Approval of permits and plans; records.

- A. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the state and all other applicable codes and ordinances.
- B. The Code Official shall require copies of all necessary permits from those governmental agencies from which approval is required by federal or state law.
- C. A record of all information supplied to the Code Official shall be kept on file by the Code Official.

### § 130-19. Application procedures.

Application for building permit and site plan approvals shall be made, in writing, to the Code Official and shall include all information stipulated under Article IV of this chapter.

### § 130-20. Consent required for changes.

After the issuance of a building permit or site plan approval by the Code Official, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Code Official.

### § 130-21. Placards.

In addition to the building permit, the Code Official shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit and the date of its issuance and be signed by the Code Official.

**§ 130-22. Start of construction.**

Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Code Official.

**§ 130-23. Inspections; revocation of permit.**

During the construction period, the Code Official or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event that the Code Official discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Code Official shall revoke the building permit and report such fact to the City of Milford for whatever action it considers necessary.

**§ 130-24. Fees.**

Application for a building permit shall be accompanied by a fee, payable to the City of Milford, as per the fee structure set forth by the City of Milford Building Code (1987 BOCA Building Code, adopted February 13, 1989).<sup>1</sup> Said fees shall, from time to time, be changed by action of the Milford City Council.

ARTICLE VII  
**Appeals and Penalties**

**§ 130-25. Appeals.**

Whenever any person is aggrieved by a decision of the Code Official regarding the provision(s) of this chapter, it is the right of that person to appeal to the Board of Appeals (also referred to as the "appeals authority"). Such appeal must be filed, in writing, within 30 days after the determination of the Code Official. Said application shall also be accompanied by a filing fee of \$100, payable to the City of Milford. Upon receipt of said appeal, the appeals authority shall set a time and place for such hearing of not less than 21 nor more than 40 days from the date of application. Notice of dates and location of said meeting shall be given to all parties, at which time they may appear and be heard. The determination of the appeals authority shall be final in all cases.

**§ 130-26. Appeal review criteria.**

All appeals contesting only the permit fee established by the Code Official may be handled at the discretion of the appeals authority. All decisions on appeals to all other provisions of this chapter shall adhere to the following criteria:

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<sup>1</sup> Editor's Note: The provisions of the 1987 BOCA Building Code have been replaced by those of the 1993 BOCA Building Code. See Ch. 88, Building Construction, of this Code.

- A. Affirmative decisions shall only be issued by the appeals authority upon a showing of good and sufficient cause, a determination that failure to grant the appeal would result in exceptional hardship to the applicant and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- B. An affirmative decision shall be issued only upon a determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- C. An affirmative decision may be issued for the repair or rehabilitation of historic structures only upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. The appeals authority shall notify the applicant, in writing, over the signature of a community official, that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance and such construction below the base flood elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in Subsection E of this section.
- E. The appeals authority shall maintain a record of all decisions, including justification for their issuance, and report such decisions issued in its biennial report submitted to the Federal Insurance Administration.
- F. An affirmative decision shall not be granted for any construction, development, use or activity within any floodway area that would cause any increase in the base flood elevation.

#### **§ 130-27. Violations and penalties.<sup>2</sup>**

Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the Code Official or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine of not less than \$50 nor more than \$500 plus cost of prosecution. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance with this chapter or permit it to continue, and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the City of Milford to be a public nuisance and abatable as such.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



**FEMA**

**DEC 01 2014**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Carmean  
Milford City Manager  
201 South Walnut Street  
Milford, Delaware 19963

Dear Mr. Carmean:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Milford, Delaware, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on March 16, 2015; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated September 16, 2014, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Sussex County. Therefore, the City of Milford should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Milford will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Delaware Department of Natural Resources. You may contact Michael Powell, CFM, or Greg Williams, CFM, the NFIP State Coordinators, by telephone at (302) 739-9921, in writing at 89 Kings Highway, Dover, Delaware 19901, or by electronic mail at michael.powell@state.de.us or gregory.williams@state.de.us.

The FEMA Regional staff in Philadelphia, Pennsylvania, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Milford and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (215) 931-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance

Richard Carmean

**DEC 01 2014**

Page 2

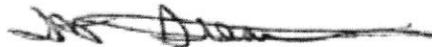
and Mitigation Division, FEMA Region III, at 615 Chestnut Street, One Independence Mall, Sixth Floor, Philadelphia, Pennsylvania 19106-4404.

The NFIP State Coordinating Office for your State has verified that Delaware communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until March 16, 2015, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by March 16, 2015. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



David H. Stearrett, CFM, Chief  
Floodplain Management Branch  
Federal Insurance and Mitigation Administration

cc: MaryAnn Tierney, Regional Administrator, FEMA Region III  
Michael Powell, CFM, and Greg Williams, CFM, NFIP State Coordinators, Delaware  
Department of Natural Resources  
Christine Crouch, Executive Assistant and Deputy City Clerk, City of Milford

**From:** Donald T.. Williams  
**Sent:** Thursday, December 11, 2014 11:07 AM  
**To:** Christine R. Crouch; Richard D. Carmean; Terri Hudson  
**Subject:** RE: FEMA

I cannot do anything else until ordinance has been past and I have a signed copy in hand. Then I will send it to the State, (Greg Williams), so that he can do his survey and send it to FEMA. These letters are automatically generated at the 90, 60 and 30 day point. I informed all parties (State-FEMA) that ordinance was tabled for the second time and will go before council again in January. Once pasted and signed, I will forward to necessary parties....

*Don Williams*

Donald Williams  
Building Inspector, City of Milford  
[dwilliams@milford-de.gov](mailto:dwilliams@milford-de.gov)  
302.422.6616 Ext 176  
302.424-3559 (Fax)

**From:** Christine R. Crouch  
**Sent:** Thursday, December 11, 2014 10:47 AM  
**To:** Donald T. Williams; Richard D. Carmean  
**Subject:** FW: FEMA

Need info on this.  
Jennifer with FEMA is looking for a reply.

***Christine R. Crouch***  
***Deputy City Clerk | Executive Assistant***  
302.424.3712 x308, F 302.424.3558  
[www.cityofmilford.com](http://www.cityofmilford.com)

FLOODPLAIN MANAGEMENT ORDINANCE  
CHAPTER 130/ORDINANCE NO. 2014-16

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AMENDING THE CITY OF MILFORD CODE OF ORDINANCES TO REPEAL CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT A NEW CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Milford has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Milford and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Milford was accepted for participation in the National Flood Insurance Program on June 1, 1977 and the City Council of the City of Milford desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Milford, Delaware, that the following floodplain management regulations are hereby adopted.

SECTION 1. Chapter 130 of the Code of the City of Milford is hereby repealed.

SECTION 2. The City of the City of Milford is hereby amended by adding a new Chapter 130 entitled Floodplain Management to read as follows:

ARTICLE I - GENERAL PROVISIONS

§ 130-1. Findings.

The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Milford. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contributes to the flood loss.

The City of Milford, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on June 1, 1977. Subsequent to that date or the initial effective date of the City of Milford Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the City of Milford's floodplain management regulations in effect at the time of construction, and all development, new construction, and substantial improvements subsequent to the effective date of these regulations shall be compliant with these regulations.

§ 130-2. Statement of Purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (A) Protect human life, health and welfare;
- (B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (C) Minimize flooding of water supply and sanitary sewage disposal systems;
- (D) Maintain natural drainage;
- (E) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;
- (F) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (G) Minimize prolonged business interruptions;
- (H) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (I) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;
- (J) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (K) Provide that the flood storage and conveyance functions of the floodplain are maintained;
- (L) Minimize the impact of development on the natural and beneficial functions of the floodplain;
- (M) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (N) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

§ 130-3. Areas to Which These Regulations Apply.

These regulations shall apply to all special flood hazard areas within the jurisdiction of the City of Milford, as identified in § 130-4.

§ 130-4. Basis for Establishing Special Flood Hazard Areas.

For the purposes of these regulations, the following are adopted by reference as a part of these regulations and serve as the basis for establishing special flood hazard areas:

- (A) The FEMA Flood Insurance Study for Sussex County, Delaware and Incorporated Areas dated March 16, 2015 and all subsequent amendments and/or the most recent revision thereof.
- (B) The FEMA Flood Insurance Rate Map for Sussex County, Delaware and Incorporated Areas dated March 16, 2015, and all subsequent amendments and/or the most recent revision thereof.
- (C) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.
- (D) The City of Milford may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.
- (E) Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard

area on a flood hazard map, the area shall be considered as special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at Milford City Hall, 201 South Walnut Street, Milford DE 19963.

§ 130-5. Abrogation and Greater Restrictions.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by these regulations.

§ 130-6. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body;
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes; and
- (D) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence, where more restrictive.

§ 130-7. Warning and Disclaimer of Liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Milford, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

§ 130-8. Severability.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

## ARTICLE II - DEFINITIONS

§ 130-9. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Area of Shallow Flooding: A designated Zone AO on a community's Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

Base Flood Discharge: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base Flood Elevation: The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least 2 feet if the depth number is not specified.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Dry Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Elevation Certificate: The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a licensed professional land surveyor.

Enclosure Below the Lowest Floor: An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement.

Federal Emergency Management Agency (FEMA): The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FEMA Technical Bulletin: A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. See sections where specific TBs are identified.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, and to designate applicable flood zones.

Zone A: Special flood hazard areas inundated by the 1% annual chance flood; base flood elevations are not determined.

Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

Zone AO: Areas of shallow flooding, with or without a designated average flood depth.

Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone X (unshaded): Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

Zone VE: Special flood hazard areas subject to inundation by the 1% annual chance flood and subject to high velocity wave action (also referred to as coastal high hazard areas).

Limit of Moderate Wave Action (LiMWA): The inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the Zone VE and the LiMWA will be similar to, but less severe than, those in the Zone VE.

Flood Insurance Study: The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

Floodplain: Any land area susceptible to being inundated by water from any source (see “Flood” or “Flooding”).

Floodproofing Certificate: The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34), used by registered professional engineers and architects to certify dry floodproofing designs.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

- (1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Hydrologic and Hydraulic Engineering Analysis: An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Change: A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New Construction: Buildings and structures for which the "start of construction" commenced on or after June 1, 1977, including any subsequent improvements to such structures.

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Recreational Vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area: The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AO, and Zone VE. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in § 130-4.

Start of Construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not

include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure (or Building):** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Violation:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time that documentation is provided.

### ARTICLE III - ADMINISTRATION

#### § 130-10. Designation of the Floodplain Administrator.

The Building Inspector is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

#### § 130-11. Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.
- (B) Interpret floodplain boundaries and provide flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding.
- (D) Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.
- (E) Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such

notifications to the Federal Emergency Management Agency.

- (F) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.
- (G) Inspect buildings and lands to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (H) Review submitted Elevation Certificates for completeness.
- (I) Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the City of Milford, corrections to labeling or planimetric details, etc.
- (J) Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of these regulations.
- (K) Enforce the provisions of these regulations.
- (L) Assist with and coordinate flood hazard map maintenance activities.
- (M) Conduct determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been substantially damaged.
- (N) Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.
- (O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.
- (P) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Milford have been modified.

#### § 130-12. Permits Required.

It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established in § 130-4, including but not limited to: subdivision of land, filling, grading, or other site improvements and utility installations; construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of any building or structure; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from the City of Milford. No such permit shall be issued until the requirements of these regulations have been met.

#### § 130-13. Application Required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose.

(A) Application Contents.

At a minimum, applications shall include:

- (1) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- (2) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as “Construction Drawings”).
- (3) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section § 130-13(B). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from other sources, or to determine such information using accepted engineering practices.
- (4) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by § 130-19(D).
- (5) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.
- (6) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:
  - (a) Documentation of the market value of the structure before the improvement is started or before the damage occurred.
  - (b) Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.
- (7) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations:
  - (a) Floodproofing Certificate for dry floodproofed non-residential structures, as required in § 130-28.
  - (b) Certification that flood openings that do not meet the minimum requirements of § 130-27(B)(3)(b) are designed to automatically equalize hydrostatic flood forces.
  - (c) Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in § 130-30(C).
  - (d) Hydrologic and hydraulic engineering analyses demonstrating that the

cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by § 130-30(B).

- (e) Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by § 130-30(A).
- (f) Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by § 130-19(D) or otherwise required by the Floodplain Administrator.

(B) Right to Submit New Technical Data.

The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the Floodplain Administrator shall be notified of such submittal. Submittal requirements and processing fees shall be the responsibility of the applicant.

(C) Requirement to Submit New Technical Data.

The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

§ 130-14. Review, Approval or Disapproval.

(A) Review

The Floodplain Administrator shall:

- (1) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.
- (2) Review applications for compliance with these regulations after all information required in § 130-13 or identified and required by the Floodplain Administrator has been received.
- (3) Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:
  - (a) Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Environmental Protection Agency under Section 401 of the Clean Water Act.
  - (b) Permits required by the State of Delaware.

(B) Approval or Disapproval.

The Floodplain Administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain Administrator shall disapprove applications

for proposed development that do not comply with the applicable provisions of these regulations and shall notify the applicant of such disapproval, in writing, stating the reasons for disapproval.

(C) Expiration of Permit.

A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§ 130-15. Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

- (A) Stake-out inspection, to determine location on the site relative to the special flood hazard area and floodway.
- (B) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- (C) Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.
- (D) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- (E) Storage of materials.

§ 130-16. Submissions Required Prior to Issuance of a Certificate of Occupancy.

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

- (A) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).
- (B) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on “Finished Construction” (identified in Section II).
- (C) For all development activities subject to the requirements of § 130-13(B), a Letter of Map Revision shall be provided.

§ 130-17. Flood Insurance Rate Map Use and Interpretation.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

- (A) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used. When a Preliminary Flood Insurance Rate Map has been provided by FEMA to identify base flood elevation where such elevations were not previously shown, the base flood elevations on the Preliminary Flood Insurance Rate Map shall be used.
- (B) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood

elevations, and floodway boundaries by any other source that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations.

- (C) Other sources of data shall be reasonably used, with the approval of the Floodplain Administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.
- (D) Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area shall be considered as special flood hazard area.

#### ARTICLE IV - REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

##### § 130-18. Application of Requirements.

The general requirements of this section apply to all development proposed within special flood hazard areas identified in § 130-4.

##### § 130-19. Subdivisions and Developments.

- (A) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- (B) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (C) All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (D) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

##### § 130-20. Protection of Water Supply and Sanitary Sewage Systems.

- (A) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- (C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

##### § 130-21. Buildings and Structures.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall meet the following requirements.

- (A) Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation, including hydrodynamic and hydrostatic loads and the effects of

buoyancy.

- (B) Be constructed by methods and practices that minimize flood damage.
- (C) Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.
- (D) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the base flood elevation plus 18". Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 – *Elevator Installation*.
- (E) As an alternative to § 130-21(D), electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood.
- (F) Meet the specific requirements of Article V.
- (G) In a special flood hazard area with more than one designation (Zones A, AE, and AO, floodway), meet the requirements of the most restrictive designation.

§ 130-22. Fill.

- (A) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
- (B) Where permitted by Article V (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:
  - (1) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency.
  - (2) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.
  - (3) Consist of soil or rock materials only.
  - (4) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.
  - (5) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.
- (C) Fill placed for a purpose other than to support a building or structure shall meet the requirements of § 130-22(B)(2) through (B)(5).

§ 130-23. Historic Structures.

Repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of these regulations unless a determination is made that compliance with these regulations will preclude the structure's continued designation as a historic structure and a variance is granted in accordance with

Article VI and such variance is the minimum necessary to preserve the historic character and design of the structure.

§ 130-24. Recreational Vehicles.

- (A) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.
- (B) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of § 130-27(C) for manufactured homes.

§ 130-25. Gas or Liquid Storage Tanks.

- (A) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (B) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation plus 18 inches or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (C) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
  - (1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.
  - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

ARTICLE V - SPECIFIC REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS

§ 130-26. General Requirements.

In addition to the general requirements of Article IV, the requirements of this section apply to all development proposed in special flood hazard areas.

§ 130-27. Residential Structures and Residential Portions of Mixed Use Structures.

(A) Elevation Requirements

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus 18 inches.
- (2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus 18 inches, or at least 3.5 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.
- (3) Enclosures below the lowest floor shall meet the requirements of § 130-27(B).

(B) Enclosures Below the Lowest Floor

- (1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawlspaces, or limited storage.
- (2) Enclosures below the lowest floor shall be constructed using flood damage-resistant materials. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant*

*Materials Requirements.*

- (3) Enclosures below the lowest floor (including crawlspaces) shall be provided with flood openings which shall meet the following criteria (see FEMA Technical Bulletin #1 – *Openings in Foundation Walls and Walls of Enclosures*):
  - (a) There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the base flood elevation, each area shall have openings on exterior walls.
  - (b) The total net area of all openings shall be at least 1 square inch for each square foot of enclosed area, or the openings shall be designed and certified by a registered engineer or architect to provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
  - (c) The bottom of each opening shall be 1 foot or less above the adjacent ground level.
  - (d) Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
  - (e) Where installed in doors and windows, openings that meet requirements of § 130-27(B)(3)(a) through (d), are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.
- (4) Crawlspaces shall have the finished interior ground level equal to or higher than the outside finished ground level on at least one entire side of the foundation wall.

(C) **Manufactured Homes**

New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (1) Be elevated on a permanent, reinforced foundation that raises the lowest floor to or above the base flood elevation plus 18 inches and is otherwise in accordance with § 130-27(A).
- (2) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.
- (3) Have enclosures below the elevated manufactured home, if any, meet the requirements of § 130-27(B).

For the purpose of this requirement, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member of the lowest floor.

§ 130-28. **Nonresidential Structures and Nonresidential Portions of Mixed Use Structures.**

(A) **Elevation Requirements**

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus 18 inches or the structure shall be dry floodproofed in accordance with § 130-28(B).
- (2) In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus 18 inches, or at least 3.5 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

- (3) Enclosures below the lowest floor, if not dry floodproofed, shall meet the requirements of § 130-27(B).

(B) Dry Floodproofing Requirements

Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation plus 18 inches. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus 18 inches, or at least 3.5 feet if a depth number is not specified.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a licensed professional engineer or licensed professional architect with a Floodproofing Certificate, that the design and methods of construction meet the requirements of this section. Refer to FEMA Technical Bulletin #3 – *Non-Residential Floodproofing – Requirements and Certification* for guidance.

§ 130-29. Accessory Structures.

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

- (A) Useable only for parking or limited storage;
- (B) Constructed with flood damage-resistant materials below the base flood elevation;
- (C) Constructed and placed to offer the minimum resistance to the flow of flood waters;
- (D) Firmly anchored to prevent flotation, collapse, and lateral movement;
- (E) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation plus 18 inches; and
- (F) Equipped with flood openings that meet the requirements of § 130-27(B).
- (G) For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*.

§ 130-30. Protection of Flood-Carrying Capacity.

(A) Development in Floodways

Within any floodway area designated on the Flood Insurance Rate Map, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the activity:

- (1) Will not result in any increase in the base flood elevation; or
- (2) Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

- (a) Submits technical data required in § 130-13(A)(8)(d);
- (b) Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
- (c) Certifies that no structures are located in areas which would be impacted by the increased base flood elevation;
- (d) Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;
- (e) Requests and receives concurrence of the Mayor of the City of Milford and the Chief Executive Officer of any other community impacted by the proposed actions; and
- (f) Notifies the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

#### (B) Development in Areas with Base Flood Elevations but No Floodways

For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

#### (C) Deliberate Alterations of a Watercourse

For the purpose of these regulations, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.

For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

- (1) Documentation of compliance with § 130-30(A) if the alteration is in a floodway or § 130-30(B) if the alteration is in a watercourse with base flood elevations but no floodway.
- (2) A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.
- (3) A certification by a licensed professional engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.
- (4) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division

of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.

- (5) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Milford specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

## ARTICLE VI - VARIANCES

### § 130-31. Variances.

The City of Milford's Board of Appeals shall have the power to authorize, in specific cases, such variances from the requirements of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

#### (A) Application for a Variance

- (1) Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
- (2) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in § 130-31(B) and the limitations and conditions of § 130-31(C).

#### (B) Considerations for Variances

In considering variance applications, the Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(C) Limitations for Variances

- (1) An affirmative decision on a variance request shall only be issued upon:
  - (a) A showing of good and sufficient cause. A “good and sufficient” cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
  - (b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
  - (c) Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - (d) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
  - (e) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - (f) A determination that the structure or other development is protected by methods to minimize flood damages.
  - (g) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.
- (3) The Board of Appeals shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

## ARTICLE VII - ENFORCEMENT

### § 130-32. Compliance Required.

- (A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.
- (B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with § 130-34.
- (C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific

activities that is contrary to that authorized shall be deemed a violation of these regulations.

§ 130-33. Notice of Violation.

Notices of violation shall be issued in accordance with the requirement of the building code (see Chapter 88).

§ 130-34. Violations and Penalties.

Violations and penalties shall be administered in accordance with the requirement of the building code (see Chapter 88).

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Milford. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. DATES.

Introduced: 11-10-2014

Adopted (Projected): 12-08-2014

## Chapter 88

### BUILDING CONSTRUCTION

- |   |   |
|---|---|
| <p style="text-align: center;">Article I</p> <p style="text-align: center;"><b>International Residential Code</b></p> <p>§ 88-1. Adoption of code.</p> <p>§ 88-2. Additions, insertions and changes.</p> <p style="text-align: center;">Article II</p> <p style="text-align: center;"><b>International Building Code</b></p> <p>§ 88-3. Adoption of code.</p> <p>§ 88-4. Additions, insertions and changes.</p> <p>§ 88-5. Reserved.</p> <p style="text-align: center;">Article III</p> <p style="text-align: center;"><b>Board of Appeals</b></p> <p>§ 88-6. General.</p> <p>§ 88-7. Limitations on authority.</p> | <p>§ 88-8. Membership of the board.</p> <p>§ 88-8.1. Alternate members.</p> <p>§ 88-8.2. Chairman.</p> <p>§ 88-8.3. Disqualification of member.</p> <p>§ 88-8.4. Secretary.</p> <p>§ 88-8.5. Compensation of members.</p> <p>§ 88-9. Application for appeal.</p> <p>§ 88-9.1. Hearing fee.</p> <p>§ 88-10. Notice of meeting.</p> <p>§ 88-11. Open hearing.</p> <p>§ 88-11.1. Procedure.</p> <p>§ 88-12. Postponed hearing.</p> <p>§ 88-13. Board decision.</p> <p>§ 88-13.1. Records and copies.</p> <p>§ 88-13.2. Administration.</p> <p>§ 88-14. Court review.</p> <p>§ 88-15. Stays of enforcement.</p> |
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[HISTORY: Adopted by the City Council of the City of Milford 10-22-2007 by Ord. No. 2007-10.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Floodplain management - See Ch. 130.  
Property maintenance - See Ch. 174.

Residential rental operating licenses - See Ch. 180.  
Zoning - See Ch. 230.

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<sup>1</sup> Editor's Note: This ordinance also repealed former Ch. 88, Building Construction, adopted 6-12-1995, as amended.

## ARTICLE I

**International Residential Code****§ 88-1. Adoption of code.**

A certain document, three copies of which are on file in the office of the Building Inspector of the City of Milford, being marked and designated as the International Residential Code, 2006 edition, including Appendix Chapters G and J (see International Residential Code Section 101.2.1, 2006 edition), as published by the International Code Council, is hereby adopted as the Residential Code of the City of Milford, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Building Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 88-2 of this chapter.

**§ 88-2. Additions, insertions and changes.**

The following sections or portions are hereby revised as follows:

## A. Chapter 1, Administration.

## (1) Section R105, Permits.

- (a) Section R105.2, Work exempt from permit, is deleted in its entirety.
- (b) Add: **R105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.
- (c) Add: **R105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within one year after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(2) Add: **R106.3.1, Approval of construction documents.** Construction documents shall be approved, in writing or by a stamp which states "Approved plans per IRC section R106.3.1."

## (3) Section R108, Fees.

- (a) Add: **R108.2.1. Fee schedule.** A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council.

- (b) Add: **R108.6. Work commencing before permit.** Any person who commences any work on a building, structure, gas or mechanical system before obtaining the necessary permits shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees.
- (c) Add: **R108.6.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be \$100 plus the permit fee or double the normal permit fee, whichever is less.

(4) Section R112, Board of Appeals.

Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

(5) Add: **R113.4. Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

(6) Add: **R114.3. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than \$500.

(7) Add: **10.9.1.5.3. Waterproofing inspection.** A waterproofing inspection will be required for all dwelling units with basements. The inspection will be required before the basement walls are backfilled.

B. Chapter 2, Definitions. Adopt without changes.

C. Chapter 3, Building Planning.

(1) Add: TABLE R301.2(1)

Climatic And Geographic Design Criteria

Ground Snow Load	Wind Speed d (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temp e	Ice Barrier Underlay-ment Required	Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
			Weathering	Frost Line Depth b	Termite					
25	100	A	SEVERE	24 INCHES	MOD-HEAVY	14	NO	ADOPTED: 07/14/78 CURRENT: 01/06/05	368	55.71°

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weather column shall be filled in with the weathering index (i.e., "negligible," "moderate," or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C44, C62, C73, C90, C129, C145, C216, or C652.
- b. The frost line depth may require deeper footings than indicated on Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
  - e. The outdoor design dry-bulb temperature shall be selected from the columns of 97:1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
  - f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
  - g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
  - h. In accordance with Sections R905.2.7.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO".
  - i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32 degree Fahrenheit)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
  - j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32 degree Fahrenheit)" at [www.ncdc.noaa.gov/fosf.html](http://www.ncdc.noaa.gov/fosf.html).
- (2) Section R311, Means of Egress. Add the following:
- (a) **R311.4.1. Exit door required.** Not less than two exit doors conforming to this section shall be provided for each single-family detached dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to the habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.
  - (b) **R.311.4.3.1. Landings at exit doors.** There shall be a floor or landing on each side of each exit door. The width of each landing shall not be less than the width of the door(s) served. If sliding glass or French doors are installed, the landing width should include the width of both doors (regardless if one panel is fixed or not). The minimum size of each landing shall not be less than 36 inches by 36 inches. Exception: Where; a stairway of two or fewer risers is located on the exterior side of a door, a landing is not required for the exterior side of the door.

- (c) **R311.5.1.1, Stairways required.** All exit doors should be served by a stairway (steps). Stairways shall not be less than 36 inches in clear width.

D. Chapter 4, Foundations.

- (1) Add: **R403.1.1.1. Minimum footing sizes.** Minimum thickness of a footing shall be the nominal width of the wall, but not less than eight inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two-story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches. Pier and column footings shall be 24 inches by 24 inches by twelve-inch concrete.

Exceptions:

-Footing for single-story decks with four-by-four posts shall be a minimum of eight inches in diameter; footings for single-story decks with six-by-six posts shall be a minimum of 12 inches in diameter, and all footings shall extend 24 inches below grade and shall have eight inches of concrete to support each post.

-Footings for pole buildings shall be three times the nominal width of the vertical support member in width, and shall extend 36 inches below grade and have eight inches of concrete to support each post.

-Decks having vertical members spaced six feet on center may be placed on a four-inch concrete pad, provided the vertical members are placed one foot inside the perimeter of the pad and are anchored on four corners with approved anchoring devices.

-Residential accessory structures 300 square feet in area or less, with the exception of a pole building and garage, shall be leveled and secured with tie-downs or equivalent manufactured home fastening devices, one on each corner. Structures 20 feet or more in length shall have two additional anchors installed, one on each side mid-span. All lumber in contact with ground shall be pressure treated.

-Prefabricated room enclosures are to be placed on an approved support system of foundation per the manufacturer's installation instructions.

-A garage and/or similar structures containing rooms above grade or slab shall be considered a single story in terms of footing design. Additional floors with weight bearing on exterior walls shall have the footing design for two-story structures.

- (2) Add R403.4. **Footing reinforcement.** Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum fifteen inch overlap. Column footings shall be reinforced with three pieces of #4 rebar wired together in two directions.
- (3) Section R404, Foundation and Retaining Walls.

**R404.1. Concrete and masonry foundation walls.** Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of this section or in accordance with ACI318, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318 or ACI 530/ASCE 5/TMS 402 or the provisions of this section are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

- (4) Table R404.1(1): Delete in its entirety.
- (5) Table R404.1(2): Delete in its entirety.
- (6) Table R404.1(3): Delete in its entirety.
- (7) TABLE R404.1.1(1): Replace with the following:

Plain Concrete And Plain Masonry Foundation Walls								
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height (feet)	Plain Concrete Minimum Nominal Wall Thickness (inches)			Plain Masonry Minimum Nominal Wall Thickness (inches)			
		GW, GP, SW and SP	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL	Soil classes	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL	
5	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8	6 solid(d) or 8 8	6 solid(d) or 8 10	6 solid(d) or 8 10
	5	6	6	6				
6	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 8	6 solid(d) or 8 8 10	6 solid(d) or 8 10 12	6 solid(d) or 8 10 12
	5	6	6	6				
	6	6	8g	8g				
7	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 10 12	8 10 12 10 solid(d)	8 10 10 solid(d) 12 solid(d)	8 10 10 solid(d) 12 solid(d)
	5	6	6	8g				
	6	6	8	8				
	7	8	8	10				
8	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 10 12 solid(d) 10 solid(d)	6 solid(d) or 8 10 12 12 solid(d) 12 solid	8 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e
	5	6	6	8				
	6	8g	8	10				
	7	8	10	10				
	10	10	10	12				
9	4	6	6	6	6 solid(d) or 8 or 8 10 10 12 12 solid(d) Footnote e	6 solid(d) or 8 10 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e
	5	6	8g	8				
	6	8	8	10				
	7	8	10	10				
	8	10	10	12				
	9	10	12	Footnote f				

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 Pa.

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. UngROUTED hollow masonry units are permitted except where otherwise indicated.
- b. Soil classes are in accordance with Unified Soil Classification System. Refer to Table R405.1.
- c. Unbalanced backfill height is the difference in height between the exterior finish ground level and the lower of the top of the concrete footing that supports the foundation wall or the interior finished ground level. Where an interior concrete slab-on-grade is provided and is in contact with the interior surface of the foundation wall, measurement of the unbalanced backfill height from the exterior finish ground level to the top of the interior concrete slab is permitted.
- d. Solid grouted hollow units or solid masonry units.
- e. Wall construction shall be in accordance with Table R404.1.1(2) or a design shall be provided.
- f. A design is required.
- g. Thickness may be 6 inches, provided minimum specified compressive strength of concrete, f c, is 4,000 psi.

- E. Chapter 5, Floors. Adopt without changes.
- F. Chapter 6, Wall Construction. Adopt without changes.
- G. Chapter 7, Wall Covering. Adopt without changes or additions.
- H. Chapter 8, Roof-Ceiling Construction. Adopt without changes.
- I. Chapter 9, Roof Assemblies. Adopt without changes.
- J. Chapter 10, Chimneys and Fireplaces. Adopt without changes.
- K. Chapter 11, Energy Efficiency. Adopt without changes.
- L. Chapter 12, Mechanical Administration. Adopt without changes.
- M. Chapter 13, General Mechanical System Requirements. Adopt without changes.
- N. Chapter 14, Heating and Cooling Equipment. Adopt without changes.
- O. Chapter 15, Exhaust Systems. Adopt without changes.
- P. Chapter 16, Duct Systems. Adopt without changes.
- Q. Chapter 17, Combustion Air. Adopt without changes.
- R. Chapter 18, Chimneys and Vents. Adopt without changes.
- S. Chapter 19, Special Fuel-Burning Equipment. Adopt without changes.
- T. Chapter 20, Boilers and Water Heaters. Adopt without changes.
- U. Chapter 21, Hydronic Piping. Adopt without changes.
- V. Chapter 22, Special Piping and Storage Systems. Adopt without changes.
- W. Chapter 23, Solar Systems. Adopt without changes.
- X. Chapter 24, Fuel Gas. Adopt without changes.

Y. PART VII, Plumbing. Delete in its entirety. Refer to current adopted State Plumbing Code.

- (1) Chapter 25, Plumbing Administration. Delete in its entirety.
- (2) Chapter 26, General Plumbing Requirements. Delete in its entirety.
- (3) Chapter 27, Plumbing Fixtures. Delete in its entirety.
- (4) Chapter 28, Water Heaters. Delete in its entirety.
- (5) Chapter 29, Water Supply and Distribution. Delete in its entirety.
- (6) Chapter 30, Sanitary Drainage. Delete in its entirety.
- (7) Chapter 31, Vents. Delete in its entirety.
- (8) Chapter 32, Traps. Delete in its entirety.

Z. Part III, Electrical. Delete in its entirety. Refer to current adopted State Electrical Code.

- (1) Chapter 33, General Requirements. Delete in its entirety.
- (2) Chapter 34, Electrical Definitions. Delete in its entirety.
- (3) Chapter 35, Services. Delete in its entirety.
- (4) Chapter 36, Branch Circuit and Feeder Requirements. Delete in its entirety.
- (5) Chapter 37, Wiring Methods. Delete in its entirety.
- (6) Chapter 38, Power and Lighting Distribution. Delete in its entirety.
- (7) Chapter 39, Devices and Luminaires. Delete in its entirety.
- (8) Chapter 40, Appliance Installation. Delete in its entirety.
- (9) Chapter 41, Swimming Pools. Use as a reference only. Inspections shall be conducted by a third-party agency under the current state-adopted code.
- (10) Chapter 42, Class 2 Remote-Control Signaling and Power-Limited Circuits. Delete in its entirety.

AA. Part IX, Referenced Standards.

- (1) Chapter 43, Referenced Standards. Adopt without changes.

BB. Appendices.

- (1) Appendix G, Swimming Pools, Spas, and Hot Tubs. Adopt without changes.
- (2) Appendix J, Existing Buildings and Structures. Adopt without changes.  
[Ord. No. 2011-22, §§ 1, 2, 9-26-2011]

## ARTICLE II

**International Building Code****§ 88-3. Adoption of code.**

A certain document, three copies of which are on file in the office of the Building Inspector of the City of Milford, being marked and designated as the International Building Code, 2006 edition, as published by the International Code Council, is hereby adopted as the Building Code of the City of Milford, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Building Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 88-4 of this chapter.

**§ 88-4. Additions, insertions and changes.**

The following sections or portions are hereby revised as follows:

## A. Chapter 1, Administration.

- (1) Add: **101.1. Title.** These regulations shall be known as the Building Code of the City of Milford, hereinafter referred to as "this code."
- (2) Section 105, Permits.
  - (a) Section 105.2, Work exempt from permit, is deleted in its entirety.
  - (b) Add: **105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for two years from the date of issuance.
  - (c) Add: **105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within two years after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.
- (3) Change: **106.1 Submittal Documents.** Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design

professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

[Added 8-25-2008 by Ord. No. 2008-16]

Exception: The building official is authorized to waive the requirement that construction documents be prepared by a registered design professional if, in the opinion of the building official, with confirmation from the City Manager, the nature of the work is minor and the waiver of said requirement will not be detrimental to the intent of this code.

(4) Section 108, Fees.

- (a) Add: **108.2.1. Fee Schedule.** A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council.
- (b) Add: **108.4.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be \$100 plus the permit fee or double the normal permit fee, whichever is less.

(5) Section 112, Board of Appeals.

Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

- (6) Add: **113.4. Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.
- (7) Add: **114.3. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than \$500.
- (8) Add: **115.5. Restoration.** A building or structure condemned by the Code Enforcement Official is permitted to be restored to a safe and fully code compliant condition, provided that said restoration or repairs do not exceed 50% of the value of said building or structure as determined by the assessment given by the City for tax purposes. This valuation figure shall be exclusive of foundations. Said repairs shall be made to comply, in all respects, with the requirements for materials and methods of construction of structures hereafter erected. To the extent that the repairs, alterations or additions are

made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

(9) Add: **Section 116, Licensed Contractors.**

**116.1. Contractors license.** All contractors shall be in possession of a current City of Milford contractors license.

- B. Chapter 2, Definitions. Adopt without changes.
- C. Chapter 3, Use and Occupancy Classification. Adopt without changes.
- D. Chapter 4, Special Detailed Requirements Based on Use and Occupancy. Adopt without changes.
- E. Chapter 5, General Building Heights and Areas.
  - (1) Section 503, General Height and Area Limitations. Add:
    - 503.1.1. Height and Zoning Code.** Building height shall not be in conflict with any of the provisions contained in the Code of the City of Milford, Chapter 230, Zoning.
- F. Chapter 6, Types of Construction. Adopt without changes.
- G. Chapter 7, Fire Resistance-Rated Construction. Adopt without changes.
- H. Chapter 8, Interior Finishes. Adopt without changes.
- I. Chapter 9, Fire Protection Systems. Adopt without changes.
- J. Chapter 10, Means of Egress. Adopt without changes.
- K. Chapter 11, Accessibility. Adopt without changes.
- L. Chapter 12, Interior Environment. Adopt without changes.
- M. Chapter 13, Energy Efficiency. Adopt without changes.
- N. Chapter 14, Exterior Walls. Adopt without changes.
- O. Chapter 15, Roof Assemblies and Rooftop Structures. Adopt without changes.
- P. Chapter 16, Structural Design.

**161.2.3. Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, acres of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Milford," dated June 16, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map

(FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

- Q. Chapter 17, Structural Tests and Special Inspections. Adopt without changes.
- R. Chapter 18, Soils and Foundations. Adopt without changes.
- S. Chapter 19, Concrete. Adopt without changes.
- T. Chapter 20, Aluminum. Adopt without changes.
- U. Chapter 21, Masonry. Adopt without changes.
- V. Chapter 22, Steel. Adopt without changes.
- W. Chapter 23, Wood. Adopt without changes.
- X. Chapter 24, Glass and Glazing. Adopt without changes.
- Y. Chapter 25, Gypsum Board and Plaster. Adopt without changes.
- Z. Chapter 26, Plastic. Adopt without changes.
- AA. Chapter 27, Electrical. Adopt without changes.
- BB. Chapter 28, Mechanical Systems. Adopt without changes.
- CC. Chapter 29, Plumbing Systems. Adopt without changes.
- DD. Chapter 30, Elevators and Conveying Systems. Adopt without changes.
- EE. Chapter 31, Special Construction. Adopt without changes.
- FF. Chapter 32, Encroachments into the Public Right-of-Way. Adopt without changes.
- GG. Chapter 33, Safeguards During Construction. Adopt without changes.
- HH. Chapter 34, Existing Structures. Add: **Section 3410.2 Applicability.** Structures existing prior to June 12, 1995, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

[Ord. No. 2011-22, §§ 3, 4, 9-26-2011]

**§ 88-5. Reserved.****ARTICLE III  
Board of Appeals****§ 88-6. General.**

In order to hear and decide appeals of orders, decisions, or determinations made by the building or code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-7. Limitations on authority.**

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8. Membership of the board.**

The Board of Appeals shall consist of three members: the City Manager or his designate, a design professional (architect or engineer), and a representative of the contracting industry. The City Manager or his designate will be a standing member of the Board of Appeals. City Council shall appoint the design professional and the representative from the contracting industry. The initial term of the design professional shall be two years and the initial term of the representative of the contracting industry shall be for one year. The term of all subsequent appointments shall be two years.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.1. Alternate members.**

City Council shall appoint an individual of its choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.2. Chairman.**

The Board shall annually select one of its members to serve as chairman.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.3. Disqualification of member.**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.4. Secretary.**

The City Manager shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Clerk. Secretary shall have no right to vote on matters coming before the board.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.5. Compensation of members.**

Compensation of members shall be determined by ordinance of City Council.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-9. Application for appeal.**

Any person directly affected by a decision of the Code Official or an notice or order issued under this code shall have the right to appeal a decision of the Code Enforcement and/or Building Official to the Board of Appeals provided the application is filed within 20 days of the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-9.1. Hearing fee.**

The following fee schedule shall apply for hearings of the Board of Appeals:

International Residential Code: \$ 300.00

International Building Code: \$1,000.00

International Property Maintenance Code: \$ 300.00

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-10. Notice of meeting.**

The Board shall meet upon notice from the Chairman. The meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-11. Open hearing.**

All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-11.1. Procedure.**

The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-12. Postponed hearing.**

When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13. Board decision.**

The Board shall affirm, modify or reverse the decision of the Code Official by means of a simple majority.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13.1. Records and copies.**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the appropriate Building or Code Official.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13.2. Administration.**

The appropriate Building or Code Official shall take immediate action in accordance with the decision of the Board.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-14. Court review.**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the Superior Court of the State of Delaware in the applicable county for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the Office of the City Clerk.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-15. Stays of enforcement.**

Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is complete or the stay is lifted by the Superior Court.

**[Ord. No. 2011-22, § 5, 9-26-2011]**

Ordinance 2014-17  
Chapter 88/Building Construction

WHEREAS, the City of Milford deems it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures; and

WHEREAS, the City stipulates the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, the City requires the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; and

WHEREAS, the City calls for the issuance of permits and collection of fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 88 entitled Building Construction.

*Section 2. Article 1-International Residential Code, 88-2.-Additions, Insertions and Changes is hereby amended as follows:*

*C. Chapter 3 Building Planning*

(1) TABLE R301.2(1)

**Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Speed d (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temp e	Ice Barrier Underlayment Required	Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
			Weathering	Frost Line Depth b	Termite					
<a href="#">25</a>	<a href="#">100</a>	A	SEVERE	<a href="#">24</a> INCHES	MOD-HEAVY	<a href="#">14</a>	NO	ADOPTED: 07/14/78 CURRENT: 01/06/05 <b>See Chapter 130 Floodplain Management</b>	368	55.7F

*Section 3. Article II-International Building Code, 88-4.-Additions, Insertions and Changes is hereby amended as follows:*

P. [Chapter 16](#), Structural Design.

~~161.2.3~~ **1612.3. Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, acres of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Milford," dated June 16, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map

(FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

**Flood hazard areas are established by Chapter 130, Floodplain Management.**

*Section 4. Dates.*

Introduction 11-10-2014

Adoption (Projected) 12-08-2014

Comcast Agreement

PUBLIC NOTICE  
Ordinance 2014-18  
Chapter 204-Taxation

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

WHEREAS, the taxation of real property constitutes a significant portion of the annual municipal revenues necessary to facilitate governmental operations; and

WHEREAS, it is in the best interest of the City of Milford, as well as its residents, to ensure that all properties are fairly and properly assessed for the purposes of taxation; and

WHEREAS, rules are hereby established regarding exemptions, dates, deadlines, appeals and annual and supplemental bills.)

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Article II, entitled Exemption of New Improvements Added to Property, Sections 204-6 thru Section 204-11, is hereby removed:

ARTICLE II - Exemption of New Improvements Added to Property

~~§ 204-6. - Eligibility for new improvement exemption of real property taxes.~~

~~The exemption shall only apply to the increase in assessed value resulting from substantial rehabilitation, renovation or improvements of existing properties (residential, commercial, industrial, etc.) located within the city limits. New construction does not qualify.~~

~~The building permit for the said improvements must be issued prior to June 30, 2013 and shall be valid for a period of one year. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.~~

~~§ 204-7. - Amount of the exemption.~~

~~The amount of the exemption shall be determined by subtracting the value of construction per the building permit from the improvement assessment value following the new construction.~~

~~§ 204-8. - Application of the exemption and limitations.~~

~~The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.~~

~~§ 204-9. - Appeals.~~

~~An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.~~

~~§ 204-10. - Due date for payment of property taxes.~~

Property taxes shall be payable on or before September 30th 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. A new Article II, entitled Authority to Exempt Real Property from Taxation, is hereby added to read as follows:

ARTICLE II – Authority to exempt real property from taxation.

§ 204-6. The city council shall have the power to exempt real property located within the city from municipal property taxes when, in the opinion of the tax assessor, the same will best promote the public welfare. The city assessor shall be empowered to grant tax exemptions pursuant to 9 Del. C. § 8105 and 8110, upon receipt of an application to the City of Milford filed by the organization to establish its entitlement to such exemptions.

§ 204-7. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. § 8330 through 8337, inclusive.

Section 3. A new Article III, entitled Annual Tax Bill, is hereby added to read as follows:

ARTICLE III – Annual Tax Bill.

§204-8. The tax year shall run from October 1<sup>st</sup> through September 30<sup>th</sup> each year based on assessed values as of June 30<sup>th</sup>.

§ 204-9. Property taxes shall be payable on or before September 30<sup>th</sup> of each year.

§ 204-10. To every tax not paid after the said date established in 204-9, there shall be added and collected a penalty, for each month that 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 204-9 for the addition and collection of penalties.

Section 4. A new Article IV, entitled Supplemental Assessments and Tax Bills, is hereby added to read as follows:

ARTICLE IV- Supplemental Assessments and Tax Bills

§204-11. Supplemental Assessment Required.

A. Changes, including zoning and construction, shall require reassessment of the property at its fair market value as of the date of the last City-wide revaluation. A supplemental assessment will be determined for the amount of difference between the value stated on the regular assessment roll(s) and the new fair market value.

B. Supplemental tax bills shall be issued when there is an increase in taxable value caused by any change as stated in 204-11. More than one tax year may be affected by the increase in value, causing more than one supplemental bill to be issued. Even when a property has been sold, the original owner may be billed for any change in value relating to the dates of their ownership.

C. The increase in assessed value resulting from the reassessment is reflected in a prorated assessment that covers the period from the first day of the month following the supplemental event to the end of the fiscal year.

§204-12. - Assessment Appeals.

A. Appeal date deadlines

Appeal filing deadline (Annual billing)	August 31 <sup>st</sup>
Appeal filing deadline (October billing)	November 30 <sup>th</sup>
Appeal filing deadline (January billing)	February 28 <sup>th</sup>
Appeal filing deadline (April billing)	May 31 <sup>st</sup>

B. Right to appeal is lost if appellant has missed the designated appeal date.

C. Appeals/refunds for errors or opinions of value from appellants will not be heard for prior years.

D. The assessment as revised and adjusted by the board of assessment appeals shall be the listed value for the year under appeal and shall be the basis for the levy and collection of taxes for the city.

Section 5. Dates

Introduction 01-12-2015

Ordinance will be effective ten (10) days following its adoption.

**Mr. Keith M Gramling  
5 Homestead Boulevard  
P.O. Box 884  
Milford, De. 19963**

December 20, 2014

Mr. Richard D. Carmean, City Manager  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

Dear Mr. Carmean,

It is with regret that I submit my letter of resignation from the Board of Adjustment. It has been an honor serving the City of Milford in this manner, but, unfortunately, due to the condition of my health, I will no longer be able to continue.

Best Regards,

A handwritten signature in black ink that reads "Keith M. Gramling". The signature is written in a cursive style with a large, sweeping "G" at the end.

Keith M. Gramling

**ARTICLE VII - Board of Adjustment**

FOOTNOTE(S):

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Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 230-27. - Powers and duties.**

The Board of Adjustment shall have the following powers:

- A. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of this chapter.
- B. The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.
- C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:
  - (1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.
  - (2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:
    - (a) Character of the neighborhood.
    - (b) Conservation of property values.
    - (c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.
    - (d) Potential congestion of vehicle traffic or creation of undue hazard.
    - (e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.
- D. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

**§ 230-28. - Authority.**

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

**§ 230-29. - Appeals.**

Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within 30 days of the aggrieved decision by filing with the Code Official a letter of appeal specifying the reason for appeal. The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

**§ 230-30. - Filing fee.**

A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57 <sup>6</sup> □

**§ 230-31. - Effect of appeal upon proceedings.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.

**§ 230-32. - Hearing.**

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

**§ 230-33. - Petition to court.**

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

**§ 230-34. - Duties in case of writ of certiorari.**

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

**§ 230-35. - Composition and terms of office.**

The Board of Adjustment shall be established as provided in 22 Del. C. § 322(d).

*[Ord. No. 2009-13, §§ 1, 2, 7-27-2009]*

**Editor's note—**

Ord. No. 2009-13, §§ 1, 2, adopted July 27, 2009, changed the title of § 230-35 from membership to composition and terms of office.

**§ 230-36. - Making and adopting rules.**

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

**§ 230-37. - Meetings.**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.

**§ 230-38. - Referrals to Planning Commission.**

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

TITLE 22  
Municipalities  
CHAPTER 3. MUNICIPAL ZONING REGULATIONS  
Subchapter II. Boards of Adjustment

§ 321 Creation and powers.

The legislative body of cities or incorporated towns shall provide for the appointment of a board to be known as the board of adjustment and in the rules and regulations adopted pursuant to the authority of this chapter shall provide that the board may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

§ 322 Composition; terms of office.

- (d) (1) Anything heretofore in this section to the contrary notwithstanding, any city or town, by its legislative body, may establish a board of adjustment consisting of not less than 3 nor more than 5 members who shall be residents of the city or town and who shall have knowledge of the problems of urban and rural development and who, at the time of appointment and throughout the term of office, shall not be candidates nor members of the legislative body nor employees of the city or town. **The mayor or chief executive officer of such city or town shall appoint such members of the board of adjustment, and all such appointments shall be confirmed by a majority vote of the elected members of the legislative body.**
- (2) All appointments shall be for a period of 3 years, provided that the terms of the original members shall be established in such a manner that the term of at least 1 member shall expire each year and the successor shall be appointed for a term of 3 years. The board of adjustment so selected shall elect from among their own number a chairperson and a secretary.
- (3) Any member of the board of adjustment may be removed from office by the legislative body for cause after a hearing by a majority vote of all the elected members of the legislative body of such city or town. A vacancy occurring otherwise than by the expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

**Greater Kent Committee  
 101 W. Loockerman St  
 Suite 1B  
 Dover, Delaware 19904**

**Dues Invoice**

Richard Carmean  
 Town of Milford  
 201 S. Walnut Street  
 Milford, DE 19963

Date	Invoice #
12/9/2014	1638

Terms	January 15, 2015
-------	------------------

Description	Amount
Annual Program Support x 1/2 (January through June)	750.00

**We now accept credit cards! Please include your account number with card type and expiration date along with the invoice if you select this method of payment. Thank you.**

**If you would like to also make a donation to the Greater Kent Committee please include with your payment and a receipt will be mailed to you for tax purposes**

<b>Total</b>	<b>\$750.00</b>
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<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	<b>\$750.00</b>

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# Progressive Engineering Consultants, Inc.

## CONTRACT DOCUMENTS FOR 2 - 138 kV MOTOR OPERATED SWITCHES AND SUPPORTS

CITY OF MILFORD  
MILFORD, DELAWARE

DOCUMENTS PREPARED BY:



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

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**ADVERTISEMENT FOR BIDS**

**SECTION AB**

**ADVERTISEMENT FOR BIDS**

**City of Milford  
201 S. Walnut Street  
Milford, Delaware 19963**

Sealed bids for furnishing 2 -138 kV motor operated switches and supports will be received by the City of Milford, Delaware on or before 2:00 p.m. local time on Tuesday, December 9, 2014 at which time the bids will be publicly opened and read in the Council Chambers. Proposals shall be addressed to the City of Milford, 201 South Walnut Street, Milford, Delaware 19963.

The Contract Documents may be examined at the following locations:

City of Milford, Public Work Facility, 180 Vickers Drive  
Progressive Engineering Consultants, Inc.

Milford, Delaware  
Charlotte, North Carolina

Copies of the Contract Documents may be obtained at the office of Progressive Engineering Consultants, Inc., P.O. Box 690638, Charlotte, N.C., 28227-7011, or by telephone at (704) 545-7327.

A certified check or cashiers check payable to City of Milford or a satisfactory Bid Bond executed by a Corporate Surety licensed under the laws of Delaware to execute such bonds in the amount equal to five (5) percent of the total bid price shall be submitted with each bid. Bid proposals may not be withdrawn for ninety (90) days after the date of receipt of bids.

The successful bidder shall be required to furnish a separate one hundred (100) percent Performance Bond on the forms included as part of the Contract Documents. The Performance Bond shall be in full force and effect for one (1) year after the date of final acceptance of the equipment by the City of Milford. Contract and Performance Bond are not to be completed at the time of this proposal, and are included in order to advise the Bidder as to form.

The bid deposit or bid bond shall be retained by the City of Milford if the successful bidder fails to execute the contract or fails to provide the required performance bonds, as stated above, within twenty (20) days after award of the contract.

The City of Milford reserves the right to reject any or all bid proposals and to accept any bid proposal which is deemed to be in the best interest of the City.

CITY OF MILFORD

By \_\_\_\_\_

Title \_\_\_\_\_

**NOTICE AND INSTRUCTIONS TO BIDDERS**

**SECTION NIB**

**NOTICE AND INSTRUCTIONS TO BIDDERS****NOTICE**

The City of Milford, Delaware, hereinafter referred to as the "Purchaser", will receive sealed proposals for furnishing 2 -138 kV Motor Operated Switches and Supports. The time and location will be as stated below.

**Location: CITY OF MILFORD  
201 S. Walnut Street  
Milford, Delaware 19963**

**Time: 2:00 p.m., local time**

**Date: Tuesday, December 9, 2014**

The proposals will then be publicly opened and read in the Council Chambers.

**INSTRUCTIONS**

1. Bid proposals and all supporting documents must be submitted in a sealed envelope addressed to:

**Mailing Address:**

**The City of Milford  
201 S. Walnut Street  
Milford, Delaware 19963  
Attention: Ms. Terri Hudson**

2. The name and address of the Bidder, and the date and hour of the opening of the Bids must appear on the envelope in which the Bid is submitted. Proposal shall also be marked "**SEALED PROPOSAL FOR 138 KV SWITCHES AND SUPPORTS.**"

3. Bidders will be required to comply with all applicable statutes, regulations, etc., as set forth by the State of Delaware and those attached to and made a part of these bid documents.

4. Each proposal must be accompanied by a certified check on a bank that is a member of the FDIC, payable to the order of the Purchaser, or a Bidder's Bond acceptable to the Purchaser and running in favor of the Purchaser, in an amount equal to five (5) percent of the maximum bid price. If a proposal is accepted, the Bidder agrees that by filing its proposal together with such check or Bidder's Bond in consideration of the Purchaser's receiving and considering such proposal, said proposal shall be firm and binding upon each such Bidder and such check or Bidder's Bond shall be held by the Purchaser for a period not to exceed ninety (90) days from the date set for the opening of the proposals.

5. The successful Bidder will be required to enter into a contract with the Purchaser and to furnish a one hundred (100) percent Performance Bond, on the forms included as a part of these documents, in a penal sum equal to the contract price and with Surety satisfactory to the Purchaser's Attorney. **Contract and Performance Bond are not to be completed at the time of this proposal, and are included in order to advise the Bidder as to form.** The Performance Bond shall be in full force and effect for one (1) year after the date of final acceptance of the equipment by the Purchaser.
6. Any conditions, requirements, or restrictions included as part of the Bidder's Proposal as set forth in these Notice and Instructions to Bidders may result in the proposal being deemed non-responsive.
7. The Bidder's proposal shall include transportation charges to the substation site located at 20167 Elks Lodge Road in Milford, Delaware.
8. Each Bidder shall show, as a separate item, the amounts which will be payable by the successful Bidder as a result of taxes imposed by any taxing authority for the sale, purchase, or use of these materials, supplies, and equipment included in the taxable items furnished.
9. The Purchaser reserves the right to waive irregularities or minor errors in the proposal which appear to have been made through inadvertence, provided such irregularities or errors so waived are corrected on the proposal prior to its acceptance by the Purchaser. The Purchaser also reserves the right to reject any and all proposals or to accept any proposal which is deemed to be in the best interest of the Purchaser.
10. Specifications may be obtained at the office of the Purchaser's Engineer, Progressive Engineering Consultants, Inc., P.O. Box 690638, Charlotte, North Carolina 28227, or by calling (704) 545-7327.

CITY OF MILFORD  
MILFORD, DELAWARE  
(Purchaser)

PROGRESSIVE ENGINEERING  
CONSULTANTS, INC.  
(Engineer)

Date: November 7, 2014

**BIDDERS PROPOSAL**  
**SECTION BP**

**BID PROPOSAL**

TO: **CITY OF MILFORD**  
**MILFORD, DELAWARE**

GENTLEMEN:

The undersigned has carefully examined the attached form of Notice and Instructions, Contract, Bond, and Specifications and hereby declares that he will furnish the material, equipment, and services as specified for the following price:

**EQUIPMENT - BASE BID**

2 -138 kV Switches and Supports as specified

Bid Price \$ \_\_\_\_\_

**MANUFACTURER:**

138 kV Switches -  
Supports -

**DELIVERY:**

**APPLICABLE PRICE TERMS:**

**EXCEPTIONS:**

\_\_\_\_\_  
Bidder

\_\_\_\_\_  
By

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
City                      State                      Zip

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date

**CONTRACT**  
**SECTION C**

**CONTRACT  
FOR  
2 - 138 kV SWITCHES  
AND SUPPORTS**

**CITY OF MILFORD  
MILFORD, DELAWARE**

THIS AGREEMENT, made and contracted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the City of Milford, Delaware (hereinafter called the Purchaser), party of the first part, and \_\_\_\_\_ hereinafter called the Materialman, party of the second part.

ITEM 1. WITNESSETH: That for and in consideration of the payments and agreements to be made and performed by the Purchaser, and under penalty expressed in the bond bearing even date with these presents, and hereunto annexed, the Materialman at its own proper cost and expense, and with skill and diligence, will furnish 2 - 138 kV Switches and Supports for the total sum of \_\_\_\_\_ Dollars ( \_\_\_\_\_ ) and furnish same in accordance with the Notice and Instructions to Bidders, Proposal and Specifications attached in full compliance with the agreement.

ITEM 2. And the said Materialman agrees to accept the price stated under Item 1 above in full compensation for the performance of this contract.

ITEM 3. This contract together with the aforementioned documents constitutes the entire agreement between the Purchaser and the Materialman.

ITEM 4. On completion of this contract by the Materialman and acceptance by the Purchaser as being in accordance with all portions of this contract, the Purchaser shall pay the above named contract price as follows: \_\_\_\_\_

ITEM 5. The Materialman shall be responsible for all fees or claims for any patented invention used by him, and shall defend any suit or proceeding for infringement of any patent or patents covering materials purchased hereunder which may be brought against the Purchaser and shall hold said Purchaser harmless for use or infringement of any patented thing or method used in connection with any article, equipment, device, or thing furnished or constructed hereunder.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed by their duly authorized representatives all as of the day and year first above written.

Executed in three (3) counterparts.

\_\_\_\_\_  
(Materialman)

ATTEST:

\_\_\_\_\_  
Secretary

By \_\_\_\_\_

Title \_\_\_\_\_

**SEAL**

**CITY OF MILFORD  
MILFORD, DELAWARE  
(Party of the First Part)**

ATTEST:

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_

Title \_\_\_\_\_

**BOND**  
**SECTION B**

**BOND**

KNOW ALL MEN that we, \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_ hereinafter called the Principal, and \_\_\_\_\_, hereinafter called the Surety or Sureties, are held and firmly bound to the City of Milford, Delaware, hereinafter called the Purchaser, in the sum of \_\_\_\_\_

for payment whereof the Principal and the Surety or Sureties bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has, by means of a written Agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ entered into a contract or agreement with the Purchaser for furnishing 2 - 138 kV Switches and Supports in compliance with the Specifications a copy of which Agreement is hereto attached and made a part hereof:

NOW THEREFORE, the condition of this obligation is such, that if the Principal shall faithfully perform the said contract on his, its, or their part, and satisfy all claims and demands incurred for the same and shall fully indemnify and save harmless the Purchaser from all cost and damage which the Purchaser may suffer by reason of failure to do so, and shall fully reimburse and repay the Purchaser all outlay and expense which the Purchaser may incur in making good any such default, and shall pay all persons who have contracts with the Principal, or any sub-contractor of the said Principal for labor, or material, or both, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

And said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract of to the work or to the specifications.

IN TESTIMONY WHEREOF witness the hands and seals of the parties hereto on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Executed in three (3) counterparts.

\_\_\_\_\_  
(Contractor-Principal)

ATTEST:

By \_\_\_\_\_

By \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

**SEAL**

\_\_\_\_\_  
(Surety Company)

\_\_\_\_\_  
(Witness as to Surety)

By \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Countersigned:

\_\_\_\_\_  
(Licensed Resident Agent)

**SEAL**

**INSTRUCTIONS**

Bonds must be executed by a Surety Company authorized to conduct business in the State of Incorporation of the Owner, acknowledged before a Notary Public, and accompanied by Power of Attorney or other authority satisfactory to the Owner.

**SPECIFICATIONS**

**SECTION S**

---

## SPECIFICATIONS

### 138 kV MOTOR OPERATED SWITCHES

Two (2), motor operated, three phase, vertical break switches rated 138 kV nominal, 145 kV maximum, 650 kV BIL, 600 amperes (minimum) continuous, 40,000 amperes (minimum) momentary shall be furnished. The switch shall be group operated, vertical air break, triple pole, single throw, rotating insulator, horizontal mounting. The switch operator, including pipe and pipe guides, shall be of rotating type, with position indicator and provision for padlocking in either the open or closed position. Switches shall be furnished with arcing horns or equivalent to allow unloaded, energized operation of the 20 MVA power transformer.

The motor operated switches shall be designed and tested in accordance with the latest applicable ANSI, NEMA, and ASME standards.

The switches and supports shall be furnished as replacements for the Customer's existing installation. The attached drawing illustrates the critical dimensions for replacement.

Switch pad height shall be such that the existing tubular bus with 4 hole pad connection will attach to the jaw end of the switch.

The hinge end of the switch shall be re-connected by the owner to the switch 4 hole pad with flexible conductor.

At a minimum the motor operator shall include the following detailed features:

1. Stainless steel or Aluminum unpainted weatherproof and dustproof enclosure.
2. Padlockable hinged access door.
3. Remote/Local selector switch.
4. Local close-off-open push button or pistol grip handle.
5. 48 Volt DC motor.
6. Permanently lubricated gears
7. Chain drive from motor to gear box.
8. Dynamic braking.
9. Detachable hand crank for manual operation.
10. Motor electrically disconnected during hand cranking.
11. Additional terminal block points for customer use.
12. 5 N.O., 5 N.C. internal auxiliary switch contacts for customer use.
13. Removable conduit plate.
14. 2" IPS galvanized vertical operating pipe.
15. Tin-plated 4/0 ground strap.
16. Bolted pipe to motor connection.
17. Uncoupling pin at pipe-to-motor connection with provision for padlocking in either position.
18. 48 Volt DC operating voltages.
19. 240 Vac cabinet heater with thermostat and heater control breaker.

20. Drawings and instruction book holder.
21. Ice breaking handle.
22. Key interlocks as recommended by manufacturer.
23. Viewing access for status indicators and counter.
24. Nameplate.
25. Red and Green LED position indicating lamps for closed or open status respectively.

The unit shall also be capable of driving remote red and green position indicating lamps. Appropriate connections shall be wired to the terminal boards and noted on the manufacturer's drawings.

The mechanism compartment shall be wired and tested for proper operation.

The following functions shall be wired to a terminal board that is independent of any terminal board which might be used for switch control and status wiring. The separate terminal board shall be mounted in the control compartment of the unit for customer interconnection.

Loss of DC: Connected to provide two (2) dry form "c" contact outputs for loss of control DC supply.

Loss of AC: Connected to provide two (2) form "c" dry contact outputs to indicate loss of AC supply.

Remote Close: Wired for momentary customer contact input which shall close the device.

Remote Open: Wired for latched or momentary customer contact input which shall open the device. The internal open circuit shall be connected such that an open limit switch shall de-energize the circuit once the switch is open.

Device Position: Connected to provide two (2) standard form "c" dry contact outputs to indicate device position. This function shall be provided by spare auxiliary switch contacts.

Local/Remote Switch Position: Connected to provide two (2) form "c" dry contact outputs to indicate position of local/remote selector switch.

Customer supplied 52b electrical interlock

The operator shall include provision for customer remote interlock via a 52b contact that shall inhibit operation of the switch when the contact is open. The contact shall be incorporated in the open and close circuit only and shall not be placed in the main DC supply. The connections for this input shall be wired to a terminal board, labeled, and initially connected with a jumper to allow complete operation of the switch.

Any and all accessories required for the functions specified herein shall be included as a part of the proposal. Proper operation of the unit shall not require customer connection to any of the remote features.

**Approved Switch Operators**

Southern States

Other by prior approval only

**138 kV MOTOR OPERATED SWITCH STANDS**

Replacement switch stands shall be furnished in accordance with the attached drawing.

The 138 kV switch stands shall be constructed of steel wide flange beams, angular bracing as required, and shall be designed for mounting on two (2) existing concrete pads with dimensions as shown on the attached drawing.

Structural steel shall conform to the latest revision of ASTM Specification A-36. Bolts shall conform to the latest revision of ASTM Specification A-394. All structural steel shall be hot dipped galvanized after fabrication in accordance with the latest revision of ASTM Specification A-123-59.

**APPENDIX**



## Terri Hudson

---

**From:** Mike Dawson <mike@pecinc.net>  
**Sent:** Friday, November 7, 2014 1:42 PM  
**To:** Rick Carmean  
**Cc:** Alan Cobb; Terri Hudson; Jennifer Anderson; Progressive Engineering Consultants, Inc.  
**Subject:** City of Milford, DE - 138 kV Motor Operated Switches  
**Attachments:** Motor Operated Switches.pdf

Gentlemen,

Please see the attached bid documents for the City of Milford, DE – 138 kV Motor Operated Switches and Supports. Should you have any questions please feel free to contact me at the information below. Please note that the bid date is scheduled for Tuesday, December 9, 2014 at 2 pm.

Please acknowledge receipt of these documents.

Regards,

Michael A. Dawson, P.E.  
Progressive Engineering Consultants, Inc.  
PO Box 690638 | 4700 Lebanon Road, Suite D  
Charlotte, NC 28227  
Work Phone 704-545-7327  
Mobile 980-297-2757  
mike@pecinc.net

# Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011  
TELEPHONE (704) 545 - 7327 FACSIMILE (704) 545 - 2315  
[progress@pecinc.net](mailto:progress@pecinc.net)

**ADDENDUM NO. 1  
CONTRACT DOCUMENTS  
FOR  
2 - 138 KV MOTOR OPERATED  
SWITCHES AND SUPPORTS**

**CITY OF MILFORD, DELAWARE**

By this Addendum, please be advised that the following modifications shall be included as part of the contract documents dated November 7, 2014.

**INSULATORS**

Insulators shall be furnished as part of the switches and shall be porcelain, grey, station post type. Each switch pole shall be shipped fully assembled.

**138 kV MOTOR OPERATED SWITCH STANDS**

The switch stands shall be shipped with trusses completely assembled and all items marked for field erection with numbers corresponding to the manufacturer's erection drawings.

Addendum Date: November 19, 2014

The Bidder is required to acknowledge receipt of this Addendum by signing and submitting it with the proposal.

**CITY OF MILFORD  
MILFORD, DELAWARE**

\_\_\_\_\_  
Bidder

By \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**CITY OF MILFORD, DELAWARE  
 BID TABULATION**

**138 kV MOTOR OPERATED SWITCHES & SUPPORTS**

**BID DATE : TUESDAY, DECEMBER 9, 2014 @ 2:00 PM**

<b><u>BIDDER</u></b>	<u>Hamby Young</u>	<u>Peak Substation Services</u>	<u>V&amp;S Schuler Engineering</u>	<u>V&amp;S Schuler Engineering</u>
<b><u>BID BOND</u></b>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<b><u>ADDENDUM NO. 1</u></b>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<b><u>EQUIPMENT BASE BID</u></b>				
2 - 138 kV Switches & Supports as specified	<u>\$41,985.00</u>	<u>\$42,645.00</u>	<u>\$42,986.00</u>	<u>\$47,560.00</u>
<b><u>MANUFACTURER</u></b>				
138 kV Switches	<u>Cleveland Price w/ Southern States</u>		<u>Cleveland Price</u>	<u>Southern States</u>
Supports	<u>Hamby Young</u>		<u>V&amp;S Schuler</u>	<u>V&amp;S Schuler</u>
<b><u>DELIVERY</u></b>	<u>16-18 Weeks ARO</u>		<u>16-18 Weeks ARO</u>	<u>16-18 Weeks ARO</u>
<b><u>APPLICABLE PRICE TERMS</u></b>	<u>Net 30</u>		<u>Net 30</u>	<u>Net 30</u>
<b><u>EXCEPTIONS</u></b>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>

**CITY OF MILFORD, DELAWARE  
 BID TABULATION**

**138 kV MOTOR OPERATED SWITCHES & SUPPORTS**

**BID DATE : TUESDAY, DECEMBER 9, 2014 @ 2:00 PM**

<u><b>BIDDER</b></u>	<u>Substation Enterprises</u>	<u>Tatman Associates</u>	<u>Wesco</u>	<u>HD Supply</u>	<u>Associate Substation Engineering</u>
<u><b>BID BOND</b></u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u><b>ADDENDUM NO. 1</b></u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u><b>EQUIPMENT BASE BID</b></u>					
2 - 138 kV Switches & Supports as specified	<u>\$47,808.00</u>	<u>\$48,400.00</u>	<u>\$49,354.00</u>	<u>\$51,044.00</u>	<u>\$55,000.00*</u>
<u><b>MANUFACTURER</b></u>					
138 kV Switches	<u>Southern States</u>	<u>Southern States</u>	<u>Southern States</u>	<u>Mind Core Technologies</u>	<u>Southern States</u>
Supports	<u>Substation Enterprises / Mid South Fab</u>	<u>Tatman</u>	<u>Southern States</u>	<u>Rohn Products LLC</u>	<u>ASE</u>
<u><b>DELIVERY</b></u>	<u>16-18 Weeks ARO</u>	<u>16-18 Weeks ARO</u>	<u>14-16 Weeks ARO</u>	<u>12-14 Weeks ARO</u>	<u>14 Weeks ARO</u>
<u><b>APPLICABLE PRICE TERMS</b></u>		<u>Net 30 from Invoice Date</u>	<u>Net 30</u>	<u>Net 30</u>	<u>Net 30</u>
<u><b>EXCEPTIONS</b></u>	<u>None</u>	<u>See Proposal</u>	<u>See Proposal</u>	<u>None</u>	<u>None</u>

\* Add \$1,000.00 for Performance Bond

# **Progressive Engineering Consultants, Inc.**

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

December 22, 2014

Mr. Rick Carmean  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

**Re: Award Recommendation – 138 kV Motor Operated Switches and Supports**

Dear Mr. Carmean:

Sealed bids were received, publicly opened, and read on December 9, 2014 for furnishing two (2) 138 kV motor operated switches and supports for the Delivery #1 Substation. As shown by the enclosed tabulation of bids received, Hamby Young submitted the lowest cost proposal in the amount of \$41,985.00. We have reviewed this proposal and believe it to be in compliance with the specifications. Therefore, we recommend that the City purchase the 138 kV motor operated switches and supports from Hamby Young.

Please notify us of your decision in order that we may prepare the necessary documents for execution.

Should you have questions or comments, please call.

Very Truly Yours,

**PROGRESSIVE ENGINEERING CONSULTANTS, INC.**

**By:** Michael A. Dawson, P.E.  
Via Electronic Email

Enclosures

mad/MAD



OFFICE OF THE MAYOR  
BRYAN W. SHUPE  
TELEPHONE 302-424-3712

201 S. WALNUT STREET  
MILFORD, DE 19963  
FAX 302-424-3558

January 13, 2015

**RE: Appointment of DEMEC Director and Alternate Director**

Dear Patrick E. McCullar:

In accordance with Article III of the By-Laws of the Delaware Municipal Electric Corporation, the city council of Milford, Delaware is confirming the appointment of their DEMEC Director and Alternate Director as follows:

DEMEC Director: Hans Medlarz, City Manager

DEMEC Alternate Director: Rick Carmean, Electric Department Superintendent

Directors, and Alternate Directors in the absence of the first named director, have the authority to vote and act with full authority. These appointments were approved by the Milford City Council at their January 12, 2015 Council Meeting. You will be advised in writing of any changes to these designations.

Sincerely,

Mayor Bryan W. Shupe

> From: Jeffrey Portmann  
> Sent: Tuesday, December 16, 2014 11:26 AM  
> To: Hans Medlarz  
> Subject: FW: armory insurance

>  
> From: Jeffrey Portmann  
> Sent: Tuesday, December 16, 2014 11:21 AM  
> To: Rick Carmean; Terri Hudson; Hans.Medlarz  
> Subject: armory insurance

>  
> We have received the attached invoice for insuring the armory. As you know this was not part of our budget. We should probably put this under council insurance until they find a use for the property. Please add this to the next council agenda to approve funding from the general fund reserves to pay this bill. Thanks, Jeff.

>  
> Jeff Portmann  
> Finance Director  
> City of Milford  
> 302-424-5141-Phone  
> 302-424-5932-Fax  
>

---

> On Dec 17, 2014, at 6:41 PM, Hans Medlarz <HMedlarz@milford-de.gov> wrote:

>  
> Hi Jeff,  
>  
> duly noted. I remember you mentioned the insurance issue. It is part of the broader "Routine" O&M expenses. I suggest we request Council to authorize payment of the ongoing routine O&M expenses for this fiscal year out of general fund reserves until we can properly budget them next year. Please let me know if you concur so that Terri can add an appropriate authorization request to the manager's report.  
>  
> Thanks, Hans

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-----Original Message-----

From: Jeffrey Portmann  
Sent: Wednesday, December 17, 2014 8:02 PM  
To: Hans Medlarz  
Cc: Terri Hudson  
Subject: Re: armory insurance

Yes I concur.

Sent from my iPhone

> \_\_\_\_\_

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

Faith Argo  
CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

December 19, 2014  
Invoice No: 110918

Project 0052A170.A01 Building Assessment - Milford Armory

**Billing Message: COMPLETION OF EXISTING PLANS,  
SCHEMATIC LAYOUTS OF TWO STORY MEZZANINE AREA IN EXISTING**

**For Professional Services Rendered from November 01, 2014 to November 28, 2014**

**Professional Personnel**

	Hours	Rate	Amount	
PRINCIPAL	3.25	165.00	536.25	
ARCHITECT	13.50	105.00	1,417.50	
GIS SPECIALIST	1.00	95.00	95.00	
Totals	17.75		2,048.75	
<b>Total Labor</b>				<b>2,048.75</b>
				<b>Current Invoice Total</b>
				<b>\$2,048.75</b>

**Outstanding Invoices**

Number	Date	Balance		
110438	11/14/2014	6,692.50	<i>PAID</i>	
<b>Total</b>		<b>6,692.50</b>		
			<b>Total Current &amp; Unpaid Invoices</b>	<b>\$8,741.25</b>

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

Faith Argo  
CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

January 06, 2015  
Invoice No: 111131

Project 0052A170.A01 Building Assessment - Milford Armory

Billing Message: Completion of existing outbuilding plans/elevations & site visit with City Manager & Police Department.

For Professional Services Rendered from November 29, 2014 to December 26, 2014

Professional Personnel

	Hours	Rate	Amount	
PRINCIPAL	6.75	165.00	1,113.75	
ARCHITECT	15.50	105.00	1,627.50	
Totals	22.25		2,741.25	
<b>Total Labor</b>				<b>2,741.25</b>
				<b>Current Invoice Total</b>
				<b>\$2,741.25</b>

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

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Page 1 of 2

Date: 12/16/14 Acct#: 1-61565-3  
Tech: 38-Bryce Invoice: 13099

Name: CITY OF MILFORD

Service Address:  
OIL- 604 N WALNUT STREET  
MILFORD DE 19963

Reason For Call:  
Heat Distribution  
Contract:  
No contract

Tune Up: No

Part Replaced:		
Description	Part #	Qty
Non-Stocked Part	18143	1

Work Performed:			
Qty	Description	Task #	Charges:
1	DISPATCH FEE	18194	\$99.00
1	Drain & Purge		
	Boiler	17923	\$296.00
1	Pump Strainer 17961	17961	\$155.00
1	Efficiency Test		
	17898	17898	\$84.00

Charges:	634.00	
Tax:	0.00	
<b>Total:</b>	<b>\$634.00</b>	

Billing Notes:

Have to quote two blower motor replacements

Comments:

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**The Insurance Market Inc**  
310 N Central Ave, PO Box 637  
Laurel, DE 19956  
Phone : 302-875-7591 302-875-7541

<b>INVOICE #</b> 34436		Pay to:
ACCOUNT NO: MILFO03	OF AM	DATE 12/11/14
BALANCE DUE ON 12/11/14		

**City of Milford**  
10 SE 2nd Street  
Milford, DE 19963

Item #	Description	Amount
708223	10/21/14 +EN PCKG 6301A275283 TRI endt adding Loc 28 Armory	\$ 4,520.00
	Invoice Balance:	\$ 4,520.00

Thank You



January 5, 2015

Milford City Council  
201 S. Walnut St.  
Milford, DE 19963

Dear Council Members:

Thank you for approving the new Downtown Milford, Inc. Brewgrass Festival to be held in Bicentennial Park. I originally planned for the event to be from 12-4pm on Sunday, June 14, 2015; however, after further discussion with my committee, we would like to request a time change: 11am-6pm. The additional hours will accommodate two things:

1. A VIP hour (11am – 12pm) for 20 attendees. These attendees will pay an additional entrance fee to receive the extra hour of beer tastings, a souvenir glass, and other amenities to be determined.
2. More bands. With the three additional hours, we can accommodate two more main stage bands than we originally planned for, as well as bring in acoustic sets to play while the main stage bands change sets.

Additionally, we would like to serve our beer tastings in a commemorative 16 oz. beer glass. The new amendment to Ordinance 2014-14 (h), however, states “all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.” I am requesting a waiver for this amendment. If a commemorative glass is distributed, it gives attendees more value for their ticket price and a token to remember the festival.

If you have any questions regarding this event, please contact me at 302.519.6767 or [sara@downtownmilford.org](mailto:sara@downtownmilford.org).

Thank you for your consideration,

*Sara M. Pletcher*

Sara M. Pletcher  
Brewgrass Festival Chair  
DMI Promotions Committee Member

Ordinance 2014-14  
Chapter 165-Parks and Recreation

AN ORDINANCE OF THE CITY OF MILFORD AMENDING CHAPTER 165-PARKS AND RECREATION CODE RELATING TO ALCOHOL IN THE PARK AND MILFORD DOG PARK RULES

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

§2.03(d) is hereby amended by adding (1)(a) thru (1)(j) as stated below:

(d) No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.

(1) Exception and Regulations.

- (a) Alcoholic beverages may be sold and consumed at special events in parks only upon City Council approval of the written request to the City of Milford and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.
- (b) The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.
- (c) No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.
- (d) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.
- (e) Underage persons may be present in the confined service area if accompanied by a responsible adult
- (f) The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.
- (g) Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.

**WAIVER REQUESTED TO BELOW PROVISION:**

- (h) For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.
- (i) The event organizer must provide temporary or portable toilets. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within twenty-four hours after the conclusion of the event for which the permit was granted.
- (j) A security deposit, as determined by the Parks and Recreation Director and based on the anticipated number of participants, shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to 2.03(c)

Dates.

Effective 12/18/2014

Ordinance 2014-08  
CHAPTER 193-SOLID WASTE

CODE OF THE CITY OF MILFORD  
PART II - GENERAL LEGISLATION

CHAPTER 193 - SOLID WASTE MANAGEMENT

ARTICLE I. Miscellaneous Provisions

193-1. Mandatory Residential Collection.

The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Said mandatory service includes the collection of residential solid waste.

193-2. Non-Residential Services.

Solid waste services through the City of Milford are optional for non-residential entities. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the city shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the city. The city reserves the right to restrict the services of a private hauler in order to promote the public health, safety and the general well-being of the community.

193-3. Containers Required.

The city shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the city is prohibited. Items piled alongside the container will not be picked up, nor will containers not provided by the city. If any container is lost or destroyed, another container shall be provided at cost to the customer.

193-4. Special Collections.

Special collections will be held one week in the spring and one week during the fall of each year. Customers shall be able to put out additional items, including bulk items, during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.

193-5. Bills and Payments

- A. The rates as established shall be an assessment and shall be billed to the resident of the property on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.
- B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. Non-receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.

- C. The annual charge imposed under this ordinance shall be a lien against the property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the city for investigation.

#### 193-6. Violations and Penalties

- A. Unless otherwise prescribed herein, any person violating any of the provisions of Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this chapter shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

#### 193-7. Supplemental Regulations

The City Manager is hereby authorized to make additional rules and regulations for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this chapter and is in no way inconsistent with the established policies of the City Council.

## ARTICLE II. SOLID WASTE

#### 193-8. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**SOLID WASTE**-Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid Waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.

#### 193-9. Unlawful Acts; Containment Required; Containers

It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container or on a city street or drainage gutter. Containers will be provided upon request. Multi-family dwellings may utilize a city approved dumpster.

#### 193-10. Collection Procedures

##### A. General.

- (1) All collection of solid waste materials from residences and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Manager.
- (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblineline. All containers shall be placed just behind the curblineline of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.

- (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
  - (4) No solid waste or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this chapter shall be a violation as prescribed herein.
- B. Bulk collection. Owners of multi-family units desiring to utilize containers for bulk storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three cubic yards' capacity.
- C. Items Prohibited
- (1) The scope of the service rendered by the city in the collection and removal of solid waste materials is intended to serve the needs of its customers' related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
  - (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the city. Such materials will be removed at the expense of the owner.
  - (3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection may, at the discretion of the City Manager, be removed after special arrangements have been made by the owner.
- D. Frequency and routes of collection. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the most efficient and convenient days and times. Adequate notice of the collection schedules shall be given to customers and any changes thereto.

#### 193-11. Collection & Rate Schedule

- A. The city will collect solid waste as described in this Article II once every week.
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the city. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.
- C. Residential properties  
\$23.50 monthly - one container  
\$47.00 monthly - two containers
- D. Non-Residential properties:  
\$23.50 monthly - one container  
\$47.00 monthly - two containers
- E. Multi-family units (including apartment complexes).  
\$23.50 monthly - one container (per unit)

\$47.00 monthly - two containers (per unit)

- F. Individual containers may be replaced with a 3-cubic yard dumpster at City Manager's discretion.

### ARTICLE III. YARD WASTE

#### 193-12. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**YARD WASTE**-Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.

#### 193-13. Unlawful Acts; Containment Required; Containers

- A. It shall be unlawful to deposit or place any yard waste or matter into any garbage container, recycling container or on any city street or in a drainage gutter.
- B. An additional yard waste container is available upon request. A one-time fee will be charged to the utility account. The fee is determined upon the size of container requested. The additional container is property of the City of Milford.

95 Gallon	\$65
65 Gallon	\$60
35 Gallon	\$55

#### 193-14. Collection Procedures

- A. The city will collect yard waste provided that such yard waste is deposited into the yard waste containers issued by the city. Disposal of yard waste that will not fit into the container shall be the responsibility of the property owner.
- B. The city will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
  - (1) Loose leaves shall be raked and placed behind the curb for removal by the city's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

#### 193-15. Collection & Rate Schedule.

- A. The City will collect yard waste as described in Section 193-14A every two weeks.
- B. The loose leaf curbside collection as described in Section 193-14B will be collected once each week.
- C. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

### ARTICLE IV. RECYCLING

#### 193-16. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**RECYLING**-Trash including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers and brown paper bags, paperboard (cereal/tissue boxes), plastic grocery bags, telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.

#### 193-17. Unlawful Acts; Containment Required; Containers

It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.

#### 193-18. Collection Procedures

The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the city. Disposal of excessive material that will not fit into the container shall be the responsibility of the property owner.

#### 193-19. Collection & Rate Schedule

- A. The City will collect recycling material once every two weeks.
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.

### ARTICLE V. BULK ITEMS

#### 193-20. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**BULK ITEMS**-Trash other than regular household trash, such as furniture, appliances, large items lawn mowers, barbeque grills, hot water heaters, air conditions, televisions, doors, cabinets, kid's toys or excessive amounts of household trash placed in bags or boxes.

Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing Freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping, leaves, grass clippings, twigs, small branches, shrubbery, prunings and other garden material shall not be collected and removed by the city. Such materials will be removed by the owner.

#### 193-21. Unlawful Acts

It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.

### 193-22. Collection Procedures

- A. Customers are required to contact our Customer Service Department to schedule a pickup.
- B. Excessive household trash shall be bagged or placed in boxes.

### 193-23. Collection & Rate Schedule

- A. The bulk fee shall be determined on a sliding scale based on the amount of bulk trash or large items picked up from the residence as follows:

Trash- bagged or boxed:

1 - 5 small pieces      \$10

6 - 10 pieces            \$20

11 - 15 pieces          \$30

16 - 20 pieces          \$40

21-50 pieces            \$50

Over 50 pieces          TBD by supervisor

Large Items (appliance, furniture, miscellaneous items) \$10 per item

A minimum of at least \$10 will be billed for each pickup

- B. The city will collect bulk material every Wednesday.
- C. The city will not collect bulk material on weeks when a holiday occurs.

## ARTICLE VI. TEMPORARY SUSPENSION OF SERVICES

### 193-24 Authority

- A. The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.
- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Public Works Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. To continue a suspension of service after reactivation, a new "Temporarily Suspend Garbage Service Application" must be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

### 193-25. Suspension Fee

- A. At the time of the suspension request, a service fee of \$35 will be charged for the removal, storage and redelivery of the containers.
- B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Public Works Department.

193-26. Noncompliance, Violations and Penalties

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.
- B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.
- C. Violations and Penalties set forth in Section 193-5 shall also apply to Article VI.

Effective 12/04/2014

01/2015

## Solid Waste Ordinance Changes

Ordinance changes are in response to customer concerns as well as council concerns regarding the pickup of excess garbage as well as large items.

Our team met today to discuss implementation and modification possibilities and the following items rose to the top of the list:

- 1) Add trash invoicing to the water and sewer billing.
- 2) Discontinue the billing of quantity trash and introduce a discounted mandatory second container.
- 3) Introduce a second yard waste container disbursement with a 50% discount in lieu of the purchased second yard waste container.
- 4) Introduction of a minimum charge for large item pickup to at least cover administrative and staff expenses.

These are the major changes in addition to some housekeeping items including clarification of several items.

We request council authorization for finalization and introduction of the ordinance.

# TITLE 29

## State Government

### Public Officers and Employees

#### CHAPTER 58. LAWS REGULATING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE

#### Subchapter I. State Employees', Officers' and Officials' Code of Conduct

##### **§ 5801 Short title.**

This subchapter shall be known and may be cited as the "State Employees', Officers' and Officials' Code of Conduct."

67 Del. Laws, c. 417, § 1.;

##### **§ 5802 Legislative findings and statement of policy.**

The General Assembly finds and declares:

- (1) In our democratic form of government, the conduct of officers and employees of the State must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.
- (2) To ensure propriety and to preserve public confidence, officers and employees of the State must have the benefit of specific standards to guide their conduct and of some disciplinary mechanisms to guarantee uniform maintenance of those standards. Some standards of this type are so vital to government that violation thereof should subject the violator to criminal penalties.
- (3) In our democratic form of government, it is both necessary and desirable that all citizens should be encouraged to assume public office and employment, and that, therefore, the activities of officers and employees of the State should not be unduly circumscribed.
- (4) It is the desire of the General Assembly that all counties, municipalities and towns adopt code of conduct legislation at least as stringent as this act to apply to their employees and elected and appointed officials. This subchapter shall apply to any county,

municipality or town and the employees and elected and appointed officials thereof which has not enacted such legislation by January 23, 1993. No code of conduct legislation shall be deemed sufficient to exempt any county, municipality or town from the purview of this subchapter unless the code of conduct has been submitted to the State Ethics Commission and determined by a majority vote thereof to be at least as stringent as this subchapter. Any change to an approved code of conduct must similarly be approved by the State Ethics Commission to continue the exemption from this subchapter.

67 Del. Laws, c. 417, §§ 1, 2; 68 Del. Laws, c. 433, § 1.;

### **§ 5803 Construction.**

This subchapter shall be construed to promote high standards of ethical conduct in state government.

59 Del. Laws, c. 575, § 1; 67 Del. Laws, c. 417, § 1.;

### **§ 5804 Definitions.**

For the purposes of this subchapter:

- (1) "Close relative" means a person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.
- (2) "Commission" means the State Public Integrity Commission established by this chapter.
- (3) "Commission Counsel" means the legal counsel appointed by the Commission pursuant to this chapter.
- (4) "Compensation" means any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any person in return for services rendered or to be rendered by oneself or another.
- (5) A person has a "financial interest" in a private enterprise if:
  - a. The person has a legal or equitable ownership interest in the enterprise of more than 10% (1% or more in the case of a corporation whose stock is regularly traded on an established securities market);
  - b. The person is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee or independent contractor; or
  - c. The person is a creditor of a private enterprise in an amount equal to 10% or more of the debt of that enterprise (1% or more in the case of a corporation whose securities are regularly traded on an established securities market).

(6) "Honorary state official" means a person who serves as an appointed member, trustee, director or the like of any state agency and who receives or reasonably expects to receive not more than \$5,000 in compensation for such service in a calendar year (not including any reimbursement for expenses).

(7) "Matter" means any application, petition, request, business dealing or transaction of any sort.

(8) "Person" means an individual, partnership, corporation, trust, joint venture and any other association of individuals or entities.

(9) "Private enterprise" means any activity conducted by any person, whether conducted for profit or not for profit and includes the ownership of real or personal property. Private enterprise does not include any activity of the State or of any political subdivision or of any agency, authority or instrumentality thereof.

(10) "State" means the State of Delaware and includes any state agency.

(11) "State agency" means any office, department, board, commission, committee, court, school district, board of education and all public bodies existing by virtue of an act of the General Assembly or of the Constitution of the State, excepting only political subdivisions of the State, their agencies and other public agencies not specifically included in this definition which exist by virtue of state law, and whose jurisdiction:

- a. Is limited to a political subdivision of the State or to a portion thereof; or
- b. Extends beyond the boundaries of the State.

(12)a. "State employee" means any person:

1. Who receives compensation as an employee of a state agency;
2. Who serves as an appointed member, trustee, director or the like of any state agency and who receives or reasonably expects to receive more than \$5,000 in compensation for such service in a calendar year (not including any reimbursement for expenses); or
3. Who is an elected or appointed school board member.

b. "State employee" does not include:

1. Members of the General Assembly;
2. The Chief Justice and Justices of the Supreme Court;
3. The Chancellor and Vice-Chancellors of the Court of Chancery;
4. The President Judge and Judges of Superior Court;
5. The Chief Judge and Judges of Family Court;
6. The Chief Judge and Resident Judges of the Court of Common Pleas;
7. The Chief Magistrate and Justices of the Peace;
8. State officers; or

9. Honorary state officials.

(13) "State officer" means any person who is required by subchapter II of this chapter to file a financial disclosure statement but does not include:

- a. Members of the General Assembly;
- b. The Chief Justice and Justices of the Supreme Court;
- c. The Chancellor and Vice-Chancellors of the Court of Chancery;
- d. The President Judge and Judges of Superior Court;
- e. The Chief Judge and Judges of Family Court;
- f. The Chief Judge and Judges of the Court of Common Pleas; or
- g. The Chief Magistrate and Justices of the Peace.

59 Del. Laws, c. 575, § 1; 61 Del. Laws, c. 132, § 23; 62 Del. Laws, c. 48, § 1; 67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, §§ 2, 3; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 176, §§ 33, 34; 73 Del. Laws, c. 19, § 1; 76 Del. Laws, c. 213, §§ 44-51.;

**§ 5805 Prohibitions relating to conflicts of interest.**

(a) *Restrictions on exercise of official authority.* —

(1) No state employee, state officer or honorary state official may participate on behalf of the State in the review or disposition of any matter pending before the State in which the state employee, state officer or honorary state official has a personal or private interest, provided, that upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter. A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of the person's duties with respect to that matter.

(2) A person has an interest which tends to impair the person's independence of judgment in the performance of the person's duties with respect to any matter when:

- a. Any action or inaction with respect to the matter would result in a financial benefit or detriment to accrue to the person or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or
- b. The person or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by any action or inaction on a matter to a lesser or greater extent than like enterprises or other interests in the same enterprise.

(3) In any case where a person has a statutory responsibility with respect to action or nonaction on any matter where the person has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to such matter, provided, that promptly after

becoming aware of such conflict of interest, the person files a written statement with the Commission fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

(b) *Restrictions on representing another's interest before the state.* —

(1) No state employee, state officer or honorary state official may represent or otherwise assist any private enterprise with respect to any matter before the state agency with which the employee, officer or official is associated by employment or appointment.

(2) No state officer may represent or otherwise assist any private enterprise with respect to any matter before the State.

(3) This subsection shall not preclude any state employee, state officer or honorary state official from appearing before the State or otherwise assisting any private enterprise with respect to any matter in the exercise of such person's official duties.

(c) *Restrictions on contracting with the state.* — No state employee, no state officer and no private enterprise in which a state employee or state officer has a legal or equitable ownership of more than 10% (more than 1% in the case of a corporation whose stock is regularly traded on an established securities market) shall enter into any contract with the State (other than an employment contract) unless such contract was made or let after public notice and competitive bidding. Such notice and bidding requirements shall not apply to contracts not involving more than \$2,000 per year if the terms of such contract reflect arms' length negotiations. For the period of July 1, 1990 through June 30, 1991, nothing in this subsection shall prohibit a state employee, a state officer, or a private enterprise in which a state employee or a state officer has a legal or equitable ownership of more than 10% (more than 1% in the case of a corporation whose stock is regularly traded on an established securities market) from contracting with a public school district and/or the State Board of Education for the transportation of school children without public notice and competitive bidding as is permitted under § 6923 of this title.

(d) *Post-employment restrictions.* — No person who has served as a state employee, state officer or honorary state official shall represent or otherwise assist any private enterprise on any matter involving the State, for a period of 2 years after termination of employment or appointed status with the State, if the person gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of official duties as a state employee, officer or official. Nor shall any former state employee, state officer or honorary state official disclose confidential information gained by reason of public position nor shall the person otherwise use such information for personal gain or benefit.

(e) *Unauthorized disclosure of confidential information.* — No person shall disclose any information required to be maintained confidential by the Commission under § 5806(d), § 5807(b) or (d), or § 5810(h) of this title.

(f) *Criminal sanctions.* —

(1) Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than 1 year and by a fine not to exceed \$10,000.

(2) A prosecution for a violation of this section shall be subject to the time limitations of § 205 of Title 11.

(3) The Superior Court shall have exclusive jurisdiction over prosecution for all criminal violations of this section.

(g) *Contracts voidable by court action.* — In addition to any other penalty provided by law, any contract entered into by any state agency in violation of this subchapter shall be voidable by the state agency; provided, that in determining whether any court action should be taken to void such a contract pursuant to this subsection, the state agency shall consider the interests of innocent 3rd parties who may be damaged thereby. Any court action to void any transaction must be initiated within 30 days after the state agency involved has, or should have, knowledge of such violation.

(h) *Exceptions for transportation contracts with school districts.* — *Except for transportation supervisors for any school district within this State, nothing in this section shall prohibit an employee or the employee's spouse or children (natural or adopted) from contracting for the transportation of school children. Such transportation contracts may be entered into by an employee or the employee's spouse or children without public notice and competitive bidding as is provided in § 6916 of this title.*

(i) [Deleted.]

59 Del. Laws, c. 575, § 1; 63 Del. Laws, c. 1, § 1; 64 Del. Laws, c. 423, § 1; 67 Del. Laws, c. 314, § 1; 67 Del. Laws, c. 417, § 1; 68 Del. Laws, c. 198, § 1; 69 Del. Laws, c. 467, §§ 4, 27; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 150, § 86; 71 Del. Laws, c. 227, § 2.;

### **§ 5806 Code of conduct.**

(a) Each state employee, state officer and honorary state official shall endeavor to pursue a course of conduct which will not raise suspicion among the public that such state employee, state officer or honorary state official is engaging in acts which are in violation of the public trust and which will not reflect unfavorably upon the State and its government.

(b) No state employee, state officer or honorary state official shall have any interest in any private enterprise nor shall such state employee, state officer or honorary state official incur any obligation of any nature which is in substantial conflict with the proper performance of such duties in the public interest. No state employee, state officer or honorary state official shall accept other employment, any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in any of the following:

- (1) Impairment of independence of judgment in the exercise of official duties;
- (2) An undertaking to give preferential treatment to any person;
- (3) The making of a governmental decision outside official channels; or

(4) Any adverse effect on the confidence of the public in the integrity of the government of the State.

Provided however, that a minimal gratuity provided on occasion to blind or disabled state employees or other blind or disabled persons supervised by the Division of Visually Impaired, shall not be considered to be a violation of this section.

(c) No state employee, state officer, or honorary state official shall acquire a financial interest in any private enterprise which such official has reason to believe may be directly involved in decisions to be made by such official in an official capacity on behalf of the State.

(d) Any state employee or state officer who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any state agency (and any honorary state official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, the state agency on which the official serves as an appointee) shall file with the Commission a written statement fully disclosing the same. Such disclosure shall be confidential and the Commission shall not release such disclosed information, except as may be necessary for the enforcement of this chapter. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the State.

(e) No state employee, state officer or honorary state official shall use such public office to secure unwarranted privileges, private advancement or gain.

(f) No state employee, state officer or honorary state official shall engage in any activity beyond the scope of such public position which might reasonably be expected to require or induce such state employee, state officer or honorary state official to disclose confidential information acquired by such official by reason of such public position.

(g) No state employee, state officer or honorary state official shall, beyond the scope of such public position, disclose confidential information gained by reason of such public position nor shall such official otherwise use such information for personal gain or benefit.

(h) No state employee, state officer or honorary state official, in the course of public responsibilities, shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that person or a state agency.

(i) Notwithstanding the provisions of Chapters 58, 59, and 69 of this title and the State Merit Rules of Personnel Administration, state employees may contract to provide foster care or respite care for individuals with fees paid for by the State provided further that the employee does so at other than assigned work hours. Additionally, these individuals are not permitted to participate in the review or disposition of any matter related to foster and/or respite care in which they have or may have a personal or private interest and may not be monitored or reviewed by other state employees who are more junior or related to them.

59 Del. Laws, c. 575, § 1; 63 Del. Laws, c. 1, § 2; 65 Del. Laws, c. 349, § 1; 67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, §§ 5, 27; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 567, § 1; 76 Del. Laws, c. 80, § 33.;

**§ 5807 Waivers of restrictions and advisory opinions.**

(a) Notwithstanding the provisions of §§ 5805 and 5806 of this title, upon the written request of any state agency or of any individual who is or was a state employee, state officer or honorary state official, the Commission may grant a waiver to the specific prohibitions contained therein if the Commission determines that the literal application of such prohibition in a particular case is not necessary to achieve the public purposes of this chapter or would result in an undue hardship on any employee, officer, official or state agency. Any such waiver may be granted only by written decision of the Commission. Any person who acts in good faith reliance upon any such waiver decision shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the waiver decision provided there was a full disclosure to the Commission of all material facts necessary for the waiver decision.

(b) Any application for a waiver, any proceedings and any decision with respect thereto shall be maintained confidential by the Commission provided that:

- (1) Public disclosure shall be made by the Commission upon the written request of the applicant;
- (2) The Commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this subchapter;
- (3) The Commission shall report to appropriate federal and state authorities substantial evidence of any criminal violation which may come to its attention; and
- (4) In the event that a waiver is granted, the waiver decision and the record of all proceedings relating thereto shall be open to public inspection.

(c) Upon the written request of any state employee, state officer, honorary state official or state agency or a public officer as defined in § 5812 of this title, the Commission may issue an advisory opinion as to the applicability of this chapter to any particular fact situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion provided there was a full disclosure to the Commission of all material facts necessary for the advisory opinion.

(d) Any application for an advisory opinion, any proceedings and any decision with respect thereto shall be maintained confidential by the Commission provided that:

- (1) Public disclosure shall be made by the Commission upon the written request of the applicant;
- (2) The Commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this chapter;
- (3) The Commission shall report to appropriate federal and state authorities substantial evidence of any criminal violation which may come to its attention; and
- (4) The Commission shall prepare a summary of its advisory opinions for public distribution without disclosing the identity of the applicants.

59 Del. Laws, c. 575, § 1; 67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, §§ 6, 7, 27.;

**§ 5808 State Public Integrity Commission; establishment, membership, offices.**

(a) The State Ethics Commission is hereby renamed and reestablished as the State Public Integrity Commission to assume the functions of the State Ethics Commission and to administer and implement this chapter, and to perform such other responsibilities as may be entrusted to it by law.

(b) The Commission shall consist of 7 members appointed by the Governor with the concurrence of the Senate. Not more than 4 members shall be registered with the same political party. No member shall hold any elected or appointed office under the government of the United States or the State or be a candidate for any such office. No member shall hold any political party office or an office in any political campaign. Members of the Commission may be removed by the Governor, with the concurrence of the Senate, for substantial neglect of duty, gross misconduct in office or violation of this chapter.

(c) A member of the Commission shall be appointed for a term of office of 7 years and until a successor has been appointed and has qualified, except that initially the Commission shall consist of the members of the former State Ethics Commission as of July 15, 1994, and said members shall serve the remaining portion of their terms and until their successors have been appointed and have qualified. No member shall serve for more than 1 full 7-year term. When a vacancy occurs in the membership of the Commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as original appointments.

(d) The Commission shall elect a chairperson from among its membership. Four members of the Commission shall constitute a quorum and, if a quorum is present, a vacancy on the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission. Disciplinary hearings may be conducted and sanctions may be imposed only by the affirmative action of at least 4 members. Otherwise the Commission may delegate authority to the chairperson to act for the Commission between meetings.

(e) Each member of the Commission shall be compensated at the rate of \$100 for each day devoted to the performance of official duties. Each member of the Commission shall be reimbursed for reasonable and necessary expenses incurred in the performance of official duties.

(f) The principal office of the Commission shall be in Dover but it may meet, and exercise its power, at any other place in the State.

67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, § 8; 70 Del. Laws, c. 186, § 1.;

**§ 5808A Commission Counsel; powers and duties.**

(a) There shall be a Commission Counsel who shall be the legal representative of the Commission and have the following powers and duties:

- (1) To assist the Commission in preparing and publishing manuals and guides explaining the duties of individuals covered by this chapter and in other activities, such as seminars and workshops, educating individuals covered by this chapter about its requirements and purposes, and giving instructions and public information materials to facilitate compliance with, and enforcement hereof.
- (2) To provide legal counsel to the Commission concerning any matter arising in connection with the exercise of its official powers or duties.
- (3) To review information coming to the attention of the Commission relating to potential violations of this chapter.
- (4) To investigate information coming to the attention of the Commission that, if true, would constitute a violation of any provision of this chapter and/or to recommend that possible violations of these, or other state and federal laws, be referred by the Commission to the Attorney General or the United States Attorney for investigation and prosecution. Matters may be so referred to the Attorney General or the United States Attorney only upon a determination by at least a majority of the Commission that there are reasonable grounds to believe that a violation may have occurred.
- (5) To prosecute disciplinary proceedings, if a determination has been made by at least a majority of the Commission that there are reasonable grounds to believe that a violation may have occurred, before the Commission and to assist the Commission in drafting educational materials, waiver decisions and advisory opinions.
- (6) To employ and supervise staff necessary to perform investigatory and prosecutorial functions.
- (7) To maintain permanent records of all advisory, waiver, investigatory and prosecutorial matters.
- (8) To perform any other tasks requested by the Commission concerning any matter arising in connection with the exercise of its official powers or duties.

(b) The Commission Counsel may recuse from a matter before the Commission when, in the view of Commission Counsel or of the Commission, such recusal is deemed necessary or appropriate. In situations where Commission Counsel recuses, the duties of the Commission Counsel may be exercised by the Attorney General or by outside counsel chosen by the Commission.

69 Del. Laws, c. 467, § 9; 70 Del. Laws, c. 186, § 1.;

**§ 5808B Commission Counsel's appointment contingent upon appropriations.**

The Commission Counsel established by § 5808A of this title shall not be appointed by the Commission until adequate funds have been appropriated for such purpose. In the absence of such appointment, the Attorney General shall provide legal assistance to the Commission and shall exercise any duties assigned to the Commission Counsel by this chapter. Such duties may also be exercised by outside counsel chosen by the Commission, if adequate funds are appropriated for such purpose.

69 Del. Laws, c. 467, § 9.;

### **§ 5809 State Public Integrity Commission — Power and duties.**

The powers and duties of the Commission shall be as follows:

- (1) To recommend to the General Assembly from time to time such rules of conduct for public employees and officials as it shall deem appropriate.
- (2) To issue written advisory opinions upon the request of any state employee, state officer, honorary state official or state agency as to the applicability of this chapter to any particular fact situation.
- (3) To refer to Commission Counsel to investigate any alleged violation of this chapter and, after notice and hearing, to recommend by resolution, such disciplinary action as it may deem appropriate to such appropriate official or agency as the Commission shall determine or to take such other disciplinary action as is authorized by § 5810(d) of this title or other provisions of this Code. The Commission may also dismiss any complaint that it determines is frivolous or fails to state a violation.
- (4) To report to the appropriate federal or state authorities any substantial evidence of a violation of any criminal law which may come to its attention in connection with any proceeding whether advisory or disciplinary.
- (5) To maintain a file of its proceedings, waiver decisions and advisory opinions with a view toward achieving consistency of opinions and recommendations subject to the confidentiality requirements of § 5807(b) and (d), and § 5810(h).
- (6) To follow the procedural rules specified in § 5810 of this title and to establish such other procedural rules as shall not be inconsistent with the rules prescribed therein.
- (7) To subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence needed for the performance of the Commission's duties or exercise of its powers.
- (8) To prescribe forms for reports, statements, notices and other documents required by law. The Commission may permit the filing of reports, statements, notices, and other documents by electronic means and may specify the form and content of such filings.
- (9) To prepare and publish manuals and guides explaining the duties of individuals covered by this chapter; and giving instructions and public information materials to facilitate compliance with, and enforcement hereof.
- (10) To provide assistance to state agencies, employees and officials in administering the provisions of this law.
- (11) To prepare an annual report by March 1st of each year describing its activities for the previous year and to prepare such other reports and studies as may advance the purposes of this chapter.
- (12) To appoint a lawyer admitted to practice in the State to serve as Commission

Counsel.

(13) To request appropriate state agencies to provide such professional assistance as it may require in the discharge of its duties.

(14) To contract for any services which cannot satisfactorily be performed by the Commission Counsel or other Commission staff.

(15) Commencing January 15, 1995, to administer and implement the financial disclosure provisions of subchapter II of this chapter and to maintain the records filed pursuant thereto.

(16) Commencing January 15, 1996, to administer and implement the lobbyist registration provisions of this Code and to maintain the records filed pursuant thereto.

(17) To perform such other responsibilities as may be assigned to it by law.

59 Del. Laws, c. 575, § 1; 67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, §§ 10-13, 27; 75 Del. Laws, c. 57, § 6.;

**§ 5810 State Public Integrity Commission — Complaints; hearings; dispositions.**

(a) Upon the sworn complaint of any person or on its own initiative, the Commission may refer to the Commission Counsel for investigation any alleged violations of this chapter. The Commission Counsel shall be the prosecuting attorney in disciplinary proceedings before the Commission. In any such investigation or proceeding, a defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of subsection (h) of this section.

(b) A member of the Commission shall be ineligible to participate, as a member of the Commission, in any commission proceeding relating to such member's conduct. A member of the Commission who has been found by the Commission to have violated this chapter shall be ineligible to serve again as a member of the Commission.

(c) A member of the Commission may disqualify himself or herself from participating in any investigation of the conduct of any person upon submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks to disqualify himself or herself.

(d) With respect to any violation with which a person has been charged and which the Commission has determined as proved, the Commission may take any 1 or more of the following actions:

(1) Issue a written reprimand or censure of that person's conduct.

(2) With respect to a state employee or state officer, other than an elected official, remove, suspend, demote or take other appropriate disciplinary action with respect to that person, without regard to any limits imposed by Chapter 59 of this title but within the limits of the Constitution and other laws of the State.

(3) With respect to an honorary state official, recommend that appropriate action be taken to remove the official from office.

(e) In any proceeding before the Commission, upon the request of any person charged with a violation of this chapter, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which will be used as evidence against that person in a disciplinary hearing and which are material to the preparation of a defense.

(f) In any proceeding before the Commission, if the Commission Counsel or the Commission at any time receives any exculpatory information respecting an alleged violation against any person, it shall forthwith make such information available to such person.

(g) Any person charged with a violation of this chapter may apply to the Commission for the issuance of subpoenas for the appearance of witnesses and for the production of documents on the person's behalf. The application shall be granted upon a concise showing by such person that the proposed testimony or evidence is relevant (or is reasonably calculated to lead to the discovery of relevant evidence) and is not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(h)(1) All proceedings relating to a charged violation of this chapter shall be maintained confidential by the Commission unless (i) public disclosure is requested in writing by the person charged; or (ii) the Commission determines after a hearing that a violation has occurred.

(2) Notwithstanding the confidentiality requirements of paragraph (1) of this subsection, the Commission shall make available for public inspection the record of all proceedings relating to any decision of the Commission which is appealed to Superior Court and the Commission shall report to appropriate federal or state authorities any substantial evidence of a violation of any criminal law which comes to its attention in connection with any proceeding under this chapter.

(3) The chairperson of the Commission shall, with the approval of the Commission, establish such procedures as in the chairperson's judgment may be necessary to prevent the disclosure of any record of any proceedings or other information received by the Commission or its staff except as permitted by this chapter.

67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, §§ 14-18; 70 Del. Laws, c. 186, § 1.;

### **§ 5810A Judicial review.**

In the event that the Commission finds that any person has violated any provision of this chapter, said person shall have a right of appeal to Superior Court of any such finding and of any sanctions imposed with respect thereto by filing a notice of appeal with the Superior Court within 30 days of the final action by the Commission in a particular case. The appeal shall be on the record without a trial de novo. If the Court determines that the record is insufficient for its review, it shall remand the case to the Commission for further

proceedings on the record. The Court's review, in the absence of actual fraud, shall be limited to a determination of whether the Commission's decision was supported by substantial evidence on the record. The burden of proof in any such appeal shall be on the appellant.

67 Del. Laws, c. 417, § 1; 69 Del. Laws, c. 467, § 19.;

**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: November 2014

Cash Balance - General Fund Bank Balance	\$4,421,391
Cash Balance - Electric Fund Bank Balance	\$4,416,115
Cash Balance - Water Fund Bank Balance	\$2,544,357
Cash Balance - Sewer Fund Bank Balance	\$1,196,014
Cash Balance - Trash Fund Bank Balance	\$193,502

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Solid Waste <u>Reserves</u>
Beginning Cash Balance	(505,892)	1,078,162	1,696,826	0
Deposits	758	55,690	38,590	
Interest Earned this Month		140	209	
Disbursements this Month	(5,267)	(758)	(41,666)	
Investments				250,000
Ending Cash Balance	(\$510,401)	\$1,133,234	\$1,693,959	\$250,000

**A/R-SE Front Street & Goat Island**

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	804,184	5,563,107	3,263,517	5,480,239
Deposits				
Interest Earned this Month	100	305	179	299
Disbursements this Month		(3,071)	(13,378)	(40,092)
Investments	250,000			
Ending Cash Balance	\$1,054,284	\$5,560,341	\$3,250,318	\$5,440,446

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	1,228,460	\$827,547	\$350,140	\$1,032,163
Deposits	2,428			
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	\$1,230,888	\$827,547	\$350,140	\$1,032,163

INTEREST THROUGH THE FIFTH MONTH OF THE FISCAL YEAR:

General Fund	4,615	Water Fund	1,744
GF Capital Reserves	545	Water Capital Reserves	1,582
Municipal Street Aid	756	Sewer Fund	657
Real Estate Transfer Tax	911	Sewer Capital Reserves	943
Electric Fund	3,553	Trash Fund	2,381
Electric Reserves	1,578		

TOTAL INTEREST EARNED TO DATE \$19,265

**REVENUE REPORT**

Page Two

Date: November 2014	AMOUNT BUDGETED	MTD	YTD	42% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	144,120	0	41,457	28.77%
Property Transfer Tax-Police	500,000	41,666	208,333	41.67%
Real Estate Tax	3,769,010	16,388	3,672,099	97.43%
Business License	40,000	225	3,125	7.81%
Rental License	85,000	450	2,300	2.71%
Building Permits	60,000	430	36,953	61.59%
Planning & Zoning	15,000	1,487	6,493	43.29%
Grasscutting Revenue	15,000	(400)	7,200	48.00%
Police Revenues	502,000	17,899	280,991	55.97%
Misc. Revenues	267,460	(378)	48,580	18.16%
Transfers From	3,215,480	267,958	1,339,784	41.67%
<b>Total General Fund Revenues</b>	<b>\$8,613,070</b>	<b>\$345,725</b>	<b>\$5,647,315</b>	<b>65.57%</b>
Water Revenues	2,644,000	204,056	1,194,347	45.17%
Sewer Revenues	2,649,860	195,273	1,128,489	42.59%
Kent County Sewer	1,700,000	137,325	769,560	45.27%
Solid Waste Revenues	1,090,545	87,814	445,737	40.87%
Electric Revenues	24,659,500	1,684,105	10,561,702	42.83%
<b>TOTAL REVENUES</b>	<b>\$41,356,975</b>	<b>\$2,654,298</b>	<b>\$19,747,150</b>	<b>47.75%</b>
YTD Enterprise Expense		31,446		
YTD Enterprise Revenue		35,163		
LTD Carlisle Fire Company Building Permit Fund		106,103		

**EXPENDITURE REPORT**  
**Page Three**

Date: November 2014

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE	YTD
<b>City Manager</b>						
Personnel	446,455	\$0	134,567	30.14%	311,888	134,567
O&M	153,060	\$18,758	68,967	45.06%	84,093	50,209
Capital	0	\$0	0		0	0
<b>Total City Manager</b>	<b>\$599,515</b>	<b>\$18,758</b>	<b>\$203,534</b>	<b>33.95%</b>	<b>395,981</b>	<b>\$184,776</b>
<b>Planning &amp; Zoning</b>						
Personnel	160,990	\$5,046	24,268	15.07%	136,722	19,222
O&M	42,510	\$3,151	16,910	39.78%	25,600	13,759
Capital	0	\$0	0		0	0
<b>Total P, C &amp; I</b>	<b>\$203,500</b>	<b>\$8,197</b>	<b>\$41,178</b>	<b>20.23%</b>	<b>162,322</b>	<b>\$32,981</b>
<b>Code Enforcement &amp; Inspections</b>						
Personnel	147,175	\$10,903	54,074	36.74%	93,101	43,171
O&M	52,900	\$1,054	19,742	37.32%	33,158	18,688
Capital	0	\$0	0		0	0
<b>Total P, C &amp; I</b>	<b>\$200,075</b>	<b>\$11,957</b>	<b>\$73,816</b>	<b>36.89%</b>	<b>126,259</b>	<b>\$61,859</b>
<b>Council</b>						
Personnel	31,225	\$1,957	10,076	32.27%	21,149	8,119
O&M	46,760	\$7,396	19,302	41.28%	27,458	11,906
Council Expense	17,000	\$814	10,426	61.33%	6,574	9,612
Contributions	211,000	\$0	71,000	33.65%	140,000	71,000
Codification	4,000	\$0	650	16.25%	3,350	650
Employee Recognition	9,000	\$0	0	0.00%	9,000	0
Insurance	31,000	\$0	18,344	59.17%	12,656	18,344
<b>Total Council</b>	<b>\$349,985</b>	<b>\$10,167</b>	<b>\$129,798</b>	<b>37.09%</b>	<b>220,187</b>	<b>\$119,631</b>
<b>Finance</b>						
Personnel	352,620	\$26,338	130,367	36.97%	222,253	104,029
O&M	61,085	\$3,713	21,908	35.86%	39,177	18,195
Capital	0	\$0	0		0	0
<b>Total Finance</b>	<b>\$413,705</b>	<b>\$30,051</b>	<b>\$152,275</b>	<b>36.81%</b>	<b>261,430</b>	<b>\$122,224</b>
<b>Information Technology</b>						
Personnel	181,080	\$8,596	42,590	23.52%	138,490	33,994
O&M	180,765	\$11,007	44,232	24.47%	136,533	33,225
Capital	85,430	\$0	84,818	99.28%	612	84,818
<b>Total Information Technology</b>	<b>\$447,275</b>	<b>\$19,603</b>	<b>\$171,640</b>	<b>38.37%</b>	<b>275,635</b>	<b>\$152,037</b>

**EXPENDITURE REPORT**  
**Page Four**

Date: November 2014

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE	YTD
<b>Police Department</b>						
Personnel	3,811,255	\$282,837	1,404,151	36.84%	2,407,104	1,121,314
O&M	499,015	\$41,971	215,769	43.24%	283,246	173,798
Capital	121,200	\$2,073	70,204	57.92%	50,996	68,131
<b>Total Police</b>	<b>\$4,431,470</b>	<b>\$326,881</b>	<b>\$1,690,124</b>	<b>38.14%</b>	<b>2,741,346</b>	<b>\$1,363,243</b>
<b>Streets &amp; Grounds Division</b>						
Personnel	442,810	\$28,035	154,297	34.84%	288,513	126,262
O&M	450,475	\$58,099	221,809	49.24%	228,666	163,710
Capital	80,000	\$0	18,790	23.49%	61,210	18,790
Debt Service	20,520	\$0	0	0.00%	20,520	0
<b>Total Streets &amp; Grounds</b>	<b>\$993,805</b>	<b>\$86,134</b>	<b>\$394,896</b>	<b>39.74%</b>	<b>598,909</b>	<b>\$308,762</b>
<b>Parks &amp; Recreation</b>						
Personnel	580,225	\$41,488	228,560	39.39%	351,665	187,072
O&M	251,515	\$6,950	133,623	53.13%	117,892	126,673
Capital	142,000	\$0	96,945	68.27%	45,055	96,945
<b>Total Parks &amp; Recreation</b>	<b>\$973,740</b>	<b>\$48,438</b>	<b>\$459,128</b>	<b>47.15%</b>	<b>514,612</b>	<b>\$410,690</b>
<b>Total General Fund</b>						
<b>Operating Budget</b>	<b>\$8,613,070</b>	<b>\$560,186</b>	<b>\$3,316,389</b>	<b>38.50%</b>	<b>5,296,681</b>	<b>\$2,756,203</b>

## EXPENDITURE REPORT

Page Five

Date: November 2014

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
<b>Water Division</b>					
Personnel	281,615	\$21,260	105,791	37.57%	175,824
O&M	1,045,165	\$69,862	357,517	34.21%	687,648
Capital	347,000	\$0	0	0.00%	347,000
Debt Service	970,220	\$0	48,360	4.98%	921,860
<b>Total Water</b>	<b>\$2,644,000</b>	<b>\$91,122</b>	<b>\$511,668</b>	<b>19.35%</b>	<b>2,132,332</b>
<b>Sewer Division</b>					
Personnel	281,615	\$21,258	105,783	37.56%	175,832
O&M	1,194,475	\$63,982	435,834	36.49%	758,641
Capital	602,500	\$0	23,372	0.00%	579,128
Debt Service	571,270	\$0	25,470	4.46%	545,800
<b>Sewer Sub Total</b>	<b>\$2,649,860</b>	<b>\$85,240</b>	<b>\$590,459</b>	<b>22.28%</b>	<b>2,059,401</b>
Kent County Sewer	1,700,000	\$137,325	769,551	45.27%	930,449
<b>Total Sewer</b>	<b>\$4,349,860</b>	<b>\$222,565</b>	<b>\$1,360,010</b>	<b>31.27%</b>	<b>2,989,850</b>
<b>Solid Waste Division</b>					
Personnel	371,835	\$29,465	139,263	37.45%	232,572
O&M	718,710	\$52,260	303,351	42.21%	415,359
Capital	0	\$0	0		0
<b>Total Solid Waste</b>	<b>\$1,090,545</b>	<b>\$81,725</b>	<b>\$442,614</b>	<b>40.59%</b>	<b>647,931</b>
<b>Total Water, Sewer Solid Waste</b>	<b>\$8,084,405</b>	<b>\$395,412</b>	<b>\$2,314,292</b>	<b>28.63%</b>	<b>5,770,113</b>
<b>Electric Division</b>					
Personnel	1,210,610	\$98,293	444,831	36.74%	765,779
O&M	1,723,380	\$107,718	599,074	34.76%	1,124,306
Transfer to General Fund	2,500,000	\$208,334	1,041,667	41.67%	1,458,333
Capital	325,855	\$0	60,051	18.43%	265,804
Debt Service	399,655	\$0	49,937	12.50%	349,718
<b>Electric Sub Total</b>	<b>\$6,159,500</b>	<b>\$414,345</b>	<b>\$2,195,560</b>	<b>35.65%</b>	<b>3,963,940</b>
Power Purchased	18,500,000	\$1,484,022	7,972,706	43.10%	10,527,294
<b>Total Electric</b>	<b>\$24,659,500</b>	<b>\$1,898,367</b>	<b>\$10,168,266</b>	<b>41.23%</b>	<b>14,491,234</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$41,356,975</b>	<b>\$2,853,965</b>	<b>\$15,798,947</b>	<b>38.20%</b>	<b>25,558,028</b>

**INTERSERVICE DEPARTMENTS REPORT**

Page Six

Date: November 2014

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	42% of Year Expended YTD%	UNEXPENDED BALANCE
<b>Garage</b>					
Personnel	84,085	5,652	31,137	37.03%	52,948
O&M	69,965	5,808	30,582	43.71%	39,383
Capital	40,000	0	0	0.00%	40,000
<b>Total Garage Expense</b>	<b>\$194,050</b>	<b>11,460</b>	<b>\$61,719</b>	<b>31.81%</b>	<b>132,331</b>
<b>Public Works</b>					
Personnel	198,550	9,553	68,702	34.60%	129,848
O&M	201,160	10,047	58,073	28.87%	143,087
Capital	6,000	0	0	0.00%	6,000
<b>Total Public Works Expense</b>	<b>\$405,710</b>	<b>19,600</b>	<b>\$126,775</b>	<b>31.25%</b>	<b>278,935</b>
<b>Billing &amp; Collections</b>					
Personnel	522,210	41,317	199,252	38.16%	322,958
O&M	229,785	20,826	89,047	38.75%	140,738
Capital	0	0	0		0
<b>Total Billing &amp; Collections</b>	<b>\$751,995</b>	<b>62,143</b>	<b>\$288,299</b>	<b>38.34%</b>	<b>463,696</b>
<b>City Hall Cost Allocation</b>					
Personnel	0	0	0		0
O&M	61,530	3,082	18,318	29.77%	43,212
Capital	0	0	0		0
<b>Total City Hall Cost Allocation</b>	<b>\$61,530</b>	<b>3,082</b>	<b>\$18,318</b>	<b>29.77%</b>	<b>43,212</b>

**ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.**

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 8, 2014

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, December 8, 2014.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus, Owen Brooks, Jr., Douglas Morrow, Sr., and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

#### CALL TO ORDER

Mayor Shupe called the Monthly Meeting to order at 7:02 p.m.

#### INVOCATION & PLEDGE

The Pledge of Allegiance followed the invocation given by the City of Milford's Office Assistant Katrina White.

#### APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Grier to approve the minutes of the October 27, 2014 Workshop and November 10, November 18, November 24 and December 2, 2014 Committee and Council Meetings as submitted. Motion carried.

#### RECOGNITION

No special guests in attendance.

#### MONTHLY POLICE REPORT

Police Committee Chairman Morrow presented the police report on behalf of Chief Hudson. Mr. Pikus moved to accept the police report, seconded by Mr. Grier. Motion carried.

#### CITY MANAGER REPORT

City Manager Carmean read the following report into record:

##### *ADMINISTRATION*

*As announced by Mayor Shupe at our last workshop, there will be an open house at the recently acquired armory. The purpose is allowing any interested persons the opportunity to look at the building and offer some thoughts for its use. Some funding source is needed to cover the costs of heat and electric in the building. During the budget hearings this past June, we were unaware the city would acquire this building this fiscal year. Parks and Recreation will be using the basketball court for their winter program. Permission was given to do that as long as no immediate use was needed which deemed more important.*

*The armory had oil heat and was changed to HVAC. The units were fairly new when we acquired the building and I expect to get several years of use out of them.*

*The new billing office is close to completion. I will not give the date of the opening, but plan for our staff to be in before Christmas. I am happy with the work and think the public will be pleased with the location and facility.*

#### *STREETS AND SOLID WASTE*

*Our solid waste crews will be working several days over the Christmas and New Years' holidays. The amount of waste that accumulates for our customers is very difficult for crews if we only have a few days to collect. Customers can find the holiday schedule on our website and in utility bills. They can also call the office anytime.*

*I made the decision to pay our crews overtime to handle the collection on the days city offices are closed next year.*

*Southeast Front Street is complete with the exception of the no parking signs. Crews will have them installed within the next week. There are a few areas that require some alterations, but not an abundance of problems. The process of mill and overlay is not the same process as constructing a new street with a new roadbed. There are manholes and water valve boxes up and down city streets. To attempt to make those perfectly level would be a difficult cost to bare. Therefore, there are small depressions and a few slightly raised areas around some of the valve boxes and manholes. I think that this street is greatly improved and it has never been in the great shape it is today all the way out to Rehoboth Boulevard. The new sidewalks and curbing also add to the appearance of the street.*

#### *SEWER AND WATER*

*We had a main break on Marshall Street and Southeast Second Street on Sunday, November 29<sup>th</sup> and our employees made necessary repairs.*

*We have continued our needed hydrant replacement project and two hydrants were changed out on Seabury Avenue and Marshall Street.*

*Our crews have also been working with Teal Construction on the installation of the new raw water main which runs down Washington Street from our new well located on the city property in the rear of city hall.*

*The Southeast Tower Project is moving along with the site preparation. I gave permission for crews to work on tree removal on Saturday and Sunday this past weekend. Due to the location, this should have no impact on surrounding areas.*

Mr. Brooks asked if the curbing on Southeast Front Street could be painted yellow to indicate no parking; Mr. Carmean said he has already discussed that with Street Superintendent Tim Webb. If that is the pleasure of council, he will see that Mr. Webb handles it.

Chief Hudson indicated that they will begin enforcing the no parking as soon as the signs are installed.

Mr. Brooks believes that painting the curbs will reinforce the fact that no parking is allowed; the city manager agreed and will follow up with Mr. Webb.

The city manager also reported that crews added curb cuts for the six or seven homes that did not have off street parking prior to the road construction. That permits off-street parking for all homes.

Mr. Grier moved to accept the city manager report, seconded by Mr. Brooks. Motion carried.

#### COMMITTEE & WARD REPORTS

No reports.

#### COMMUNICATIONS & CORRESPONDENCE

*Downtown Holiday Stroll*

Mayor Shupe reported the Holiday Stroll was a success and that more than four hundred people visited several of the businesses and stores.

*Code Purple*

Mayor Shupe was informed by the minister of the Multi-Cultural Church that their church will be participating in Code Purple. Code Purple is a statewide program where shelters will be provided to the homeless after temperatures drop below 32 degrees. The church will provide fifteen to twenty sleeping areas for those individuals.

The mayor said he has been working with the church on a location for the homeless.

Ms. Wilson advised that the coalition group will meet tomorrow at 5:30 p.m. at the Multi-Cultural Community Center at 105 Northeast Front Street.

## UNFINISHED BUSINESS

*Adoption/Ordinance 2014-13/New Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities*

Mayor Shupe recalled that this ordinance was initiated by Councilman Pikus after he receiving numerous complaints from people using our parks. It has been reviewed in open forum by the Community Affairs, Parks and Recreation and Police Committee.

After a great deal of time was spent reviewing this, the final version, presented to council at the last meeting, reads as follows. Mr. Morrow moved to adopt Ordinance 2014-13, seconded by Mr. Pikus:

*AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.*

*WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and*

*WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and*

*WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and*

*WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and*

*WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and*

*WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and*

*WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:*

*Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.*

*§ 190-1 Definitions.*

*§ 190-2 Smoking prohibited.*

*§ 190-3 Park Conditions.*

*§ 190-4 Enforcement and Civil Penalties.*

*§ 190-5 Payment.*

*§ 190-6. Procedure to Contest a Violation.*

*§ 190-1 Definitions.*

*As used in this chapter, the following terms shall have the meanings indicated:*

*Building: Free-standing structure enclosed by a floor, ceiling and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows.*

*Open-Air Facility: Structure that is not fully enclosed but may be partially enclosed (for example, structures with open sides).*

*Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.*

*Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or tobacco like products in any manner or form.*

*§ 190-2 Smoking prohibited.*

*(A) Parks.*

*(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:*

- a. Banneker Park*
- b. Bicentennial Park*
- c. Marshall Pond Park*
- d. Marvel Square Park*
- e. Memorial Park South*
- f. Tony Silicato Memorial Park*
- g. Library Square*
- h. Milford Library Amphitheater*
- i. Goat Island*
- j. Mispillion Riverwalk*
- k. Milford Dog Park*

*(B) Smoking is prohibited at all parks and playground areas owned by the city and open to the public.*

*(1) Exception.*

- a. Land owned by the City of Milford and used by Milford Little League. Policy will be established and enforced by Milford Little League Board of Directors and/or designee.*

*(C) Smoking is prohibited in a building or open-air facility owned, leased or operated by the City of Milford.*

*§ 190-3 Park Conditions.*

*A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.*

*§ 190-4 Enforcement and Civil Penalties.*

*(A) The Milford Police Department shall enforce this chapter.*

*(B) Any person observed violating this chapter who has not been issued a written warning, shall be issued a verbal warning for a first offense.*

*(C) Any person who has received a written warning and is observed violating this chapter, shall be subject to a civil penalty of \$25 beginning with the second violation and not less than \$50 for each subsequent violation.*

*(D) Milford Police Officers, City Code Officials and the Parks and Recreation Director shall have the authority to eject from a park facility any person observed violating this chapter.*

*(E) The name of any person issued a verbal warning shall be immediately reported to the Milford Police Department.*

*§190-5 Payment.*

*All payments for civil penalties received under this chapter shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.*

*§190-6 Procedure to Contest a Violation.*

*Persons who wish to contest the validity of a smoking violation under this chapter may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.*

*Section 3. Dates.*

*Introduction 11/24/2014*

*Adoption 12/08/2014*

Motion carried.

Ms. Wilson stated she is in favor of the ordinance, but hopes it will be enforced in a fair manner. She is aware of many people who smoke when they are fishing, for example. She asked that some time be allotted to educate our residents and that the officers, code officials and parks and recreation staff are patient with those individuals over the next several months.

The city manager pointed out this law allows our Parks and Recreation Director and code officials to approach people who are violating the ordinance. He does not want them to physically eject anyone from the park. He said that the ordinance also requires any verbal warnings be reported to the police. He hopes that our civilian employees will contact the police to prevent being put in a confrontation.

Mayor Shupe referenced Ms. Wilson's comments and agrees that education is needed the first couple of months and even during the first year to ensure the information is properly disseminated.

Mr. Mergner noted the exception at Milford Little League Park and asked if people are able to smoke at that park. Chief Hudson said he was informed by a league official they have a smoking policy in place. He feels it would be best left to their discretion as he understands the board has designated specific areas in the park where smoking is allowed.

Mr. Brooks added that persons wishing to smoke at the little league park are required to go to the outside parking lots or the roadway/sidewalk near Shea Concrete on Fourth Street.

Council agreed Milford Little League should continue to develop their own rules in this matter.

*Adoption/Ordinance 2014-14/Chapter 165 Amendment/Parks and Recreation*

Mayor Shupe recalled the Parks and Recreation Ordinance, adopted this past summer, was created to officially place on the books the rules and guidelines being used by the Parks and Recreation Director for a number of years. In the meantime, the city received a request for an event which could potentially bring a large number of visitors to the city. Because the current Parks and Recreation Code bans alcohol in our parks, he feels there is a need to reexamine that rule.

Mayor Shupe recommends that alcohol could be permitted during special events, as long as specific rules are adhered to and approval from the appropriate state agency and city council is obtained.

He noted that rules were also added for the new Dog Park that opened on November 1, 2014. In order to legally enforce, the rules need to be added to the Parks and Recreation Code.

During the last review, city council made several recommendations which have since been added to Section 2 as indicated below:

*WHEREAS, the Council of the City of Milford adopted Ordinance 2014-10, entitled Parks and Recreation, for the purpose of providing necessary regulations, conditions and requirements which shall be uniformly applied to the general use of city parks; and*

*WHEREAS, the Milford City Council desires to adopt revised rules governing the city parks; and*

*WHEREAS, the use of alcohol in city parks is currently banned by ordinance; and*

*WHEREAS, the City Council desires to amend the Parks and Recreation Ordinance to allow the use of alcohol on park property for a special event; and*

*WHEREAS, recognizing that special events enhance the quality of life for residents and visitors, as well as provide substantial economic benefits, it is deemed to be in the best interest of the City of Milford to allow alcoholic beverages in the parks by requiring the event organizer to comply with specific rules as stated herein; and*

*WHEREAS, a new Milford Dog Park opened on November 1, 2014 for the further use and enjoyment of the public; and*

*WHEREAS, the City Council desires to update its established rules regarding permissible and prohibited activities in the City Dog Park.*

*NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:*

*Section 1. An Ordinance to Amend Article II-Parks and Recreational Rental Rules and Regulations-of the Parks and Recreation Code of the City of Milford by adding an exception to the alcohol prohibition.*

*Section 2. §2.03(d) is hereby amended by adding (1)(a), (1)(b) and (1)(c) as stated below:*

*(d) No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.*

*(1) Exception and Regulations.*

*(a) Alcoholic beverages may be sold and consumed at special events in parks only upon City Council approval of the written request to the City of Milford and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.*

*(b) The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.*

*(c) No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.*

- (d) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.*
- (e) Underage persons may be present in the confined service area if accompanied by a responsible adult.*
- (f) The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.*
- (g) Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.*
- (h) For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.*
- (i) The event organizer must provide temporary or portable toilets. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within twenty-four hours after the conclusion of the event for which the permit was granted.*
- (j) A security deposit, as determined by the Parks and Recreation Director, shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to 2.03(c)*

*Section 3. Article IV. Penalty for Violations. Article IV is hereby renumbered as Article V.*

*Section 4. Article IV. A new Article IV, entitled Milford Dog Park, is adopted as follows:*

*Article IV. Milford Dog Park*

*§4.01. There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).*

*§4.02. As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:*

- (a) Park is open sunrise to sunset only.*
- (b) All dogs must be licensed and wear current license and vaccine tags.*
- (c) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.*
- (d) Dog owners/handlers are legally responsible for any damage caused by the dog.*
- (e) Dogs must be on a leash and under control at all times outside the fenced area.*
- (f) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).*
- (g) Only people with dogs are permitted in the fenced area.*
- (h) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.*
- (i) Excessive barking is prohibited; dogs barking excessively must be removed.*
- (j) Dogs exhibiting aggressive behavior are to be removed immediately.*
- (k) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may use old grocery sacks/bags.*
- (l) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.*
- (m) No human or dog food, including treats, are allowed in the park for any reason.*
- (n) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.*
- (o) Smoking is strictly prohibited in the park.*

*§4.03. Infraction of the rules as stated in §4.02 may result in temporary or permanent loss of park privileges. All other state and local laws apply.*

*Section 5. Dates.**Introduction 11/24/14**Adoption 12/08/14*

Mr. Pikus discussed nonprofit organizations and asked if council had considered restricting this to nonprofit organizations. Mayor Shupe stated no; Mr. Pikus then asked if this will open up the parks for anyone to use. Mayor Shupe emphasized that alcohol will only be allowed at a special event and after approvals are obtained. He also pointed out that in addition to the approval from the State of Delaware and city council, public restrooms, designated areas and identification will have to be provided for persons over the age of twenty-one years who wish to participate.

Mr. Grier asked if the security deposit would vary depending on the size of the event; Mr. Carmean agrees the deposit would be based on the size of the event. A larger deposit should be required for a bigger event because of the potential impact it could have on the area.

The city manager said that he spoke with Gary Emory and Brad Dennehy and both informed him that weddings have occurred in the park. Alcohol would not be permitted at the wedding unless all rules and approvals were in place.

Mr. Carmean also agreed that the events would be sponsored by nonprofits. Mayor Shupe pointed out that the first approval needed from the ABCC (Alcohol Beverage Control Commissioner) would be for an event/gathering license.

Ms. Wilson confirmed that a reception could be held though they would have to meet all the criteria in the ordinance.

Mr. Pikus moved to adopt Ordinance 2014-14, seconded by Mr. Mergner. Motion carried.

*Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management*

Mayor Shupe advised that some changes in DNREC's regulations have required counties and municipalities to amend their flood damage prevention rules and regulations to remain in compliance with the statute. In this case, the city's entire Chapter 130 was repealed and replaced with a new Chapter 130. Our code officials have been working with state agencies and a consultant firm hired by the state to assist with the amendments at the local level.

Mr. Pikus asked if council asked the city solicitor to review the ordinance; Mr. Carmean said that was requested at the last council meeting.

Mr. Rutt stated he is reviewing it but it is taking a much longer time due to the amount of information it includes. He is comparing it to both Kent and Sussex County ordinances to prevent any conflicts. However, he has not had the time to finish the review due to the recent holiday.

Mr. Pikus moved to postpone action on Ordinance 2014-16, seconded by Mr. Morrow. Motion carried.

*Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction*

Mayor Shupe reported that the same requirements apply to the building construction code. To meet those requirements and to eliminate the need to change the ordinance each time a floodplain map is amended, two references to Chapter 130 were added to the ordinance.

Mr. Grier moved to postpone action on Ordinance 2014-17, seconded by Ms. Wilson. Motion carried.

*Adoption of Resolution 2014-21/Route 1 Overpass Support*

Mayor Shupe recalled that city council agreed at the last workshop, following a presentation by Woodshaven Resident Emmett Venett, to adopt a resolution supporting the grade-separated roadway on Route 1 at Northeast Front Street.

Mr. Pikus moved to adopt the following resolution stating that the City of Milford supports the funding and construction of the Route 1 overpass at Northeast Front Street, seconded by Mr. Brooks:

*STATE ROUTE 1 & NORTHEAST FRONT STREET GRADE-SEPARATED ROADWAY SUPPORT*

*Whereas, the City of Milford understands the need and fully supports the construction of a grade-separated roadway bridging Route 1 at the junction of Northeast Front Street (State Route 14) in Milford, Delaware; and*

*Whereas, the construction of this overpass will provide a transportation improvement by providing a continuous flow of east/west traffic across State Route 1; and*

*Whereas, this grade-separated roadway will greatly reduce accidents and protect drivers by eliminating the intersections presently in use at Northeast Tenth Street/State Route 1 and Northeast Front Street/State Route 1.*

*NOW, THEREFORE, Be It Resolved, that the City Council of the City of Milford, respectfully request the Delaware Department of Transportation raise the priority of the Northeast Front Street project and that funding be provided to enable the design, engineering and acquisition of required land in the hopes of moving this project forward.*

*BE IT FURTHER RESOLVED, that the City Council of the City of Milford is willing to assist the Department in whatever action is needed to preserve the safety of the citizens of Milford and the visitors which transit our city and the surrounding community.*

*s/Mayor Bryan Shupe*

Motion carried.

Mr. Brooks asked who will receive the resolution; Mayor Shupe advised that DeIDOT contacted him today and he will be discussing some additional information with them. He will present the resolution and ask how we can assist in getting the construction accomplished and to move the project along.

His intent is to work more closely with DeIDOT to get this in motion. The resolution confirms the City of Milford and city council support the construction of the overpass.

Mr. Pikus confirmed the resolution will be sent to the Secretary of DeIDOT; Mayor Shupe stated yes.

Mr. Brooks feels it is important that DeIDOT know council adopted the resolution and they understand the importance of this overpass.

It was noted that several DeIDOT representatives were present at the meeting.

Mr. Brooks emphasized that the number one responsibility of city council is safety and this impacts a number of our residents, people living east of Route 1 and students and teachers at Milford High School.

Mayor Shupe invited any council member who wished to participate in the discussion to attend.

Ms. Wilson feels the resolution is a major step in providing proof of councils' wishes and recalls that an overpass has been considered in this area for decades. Mr. Brooks agreed the original plan was to place an overpass on Tenth Street which was approximately forty years ago.

Mr. Pikus stressed that DeIDOT needs to understand that city council does not want the Northeast Front Street project delayed. Council wants the overpass built and not moved down the lists. Councilman Pikus agreed.

NEW BUSINESS

*FY 2014-2015 Budget Adjustment/DBF Services/Milford Armory*

City Manager Carmean recalled mentioning in his monthly report that the city had not obtained the armory at the time the budget was discussed. Because of that, no money was budgeted for heating or electric.

He felt the public should not have access to the building until it was confirmed it was safe. He hired a senior architect from Davis, Bowen and Friedel's (DBF) Salisbury office only to confirm the building was sound. He then had him do some CAD drawings of floor plans for different uses in order to get the square footage.

He then had the architect consider how to service the entrances.

Mr. Carmean recommends that the next city manager and Finance Director Jeff Portmann create a line item for electric and heat. He said that even though Parks and Recreation will be using the armory this winter, they were unprepared to budget any funds as well.

Mr. Brooks asked if Parks and Recreation still used the school for their basketball program; Mr. Carmean confirmed they did. When asked if they are paying a rental fee to use the school, Mr. Carmean stated yes. Mr. Brooks suggested using the rental fee that would have been paid to the school to offset the heat and electric costs since they will no longer be using the school facilities.

The city manager agreed that will help though it may not cover the entire bill.

Mr. Morrow asked if DBF had provided a written report of their assessment; Mr. Carmean said no though that was the intent. He also has an environmental evaluation that was done through the State of Delaware before the city would agree to take the building. He wanted assurance there was no asbestos contamination or other environmental issues. The report verified there are no concerns.

Mr. Pikus said the funds can be taken from General Fund Capital Reserves and though that account has been used, there are still sufficient funds.

Mr. Pikus moved to allocate \$6,692.50 for the Milford Armory structural analysis from General Fund Capital Reserves based on the city manager request, seconded by Ms. Wilson.

Mr. Morrow asked that this be paid contingent upon the receipt of a report we can later refer to should any concerns arise.

Motion carried.

Mayor Shupe asked council to speak with residents for suggestions on what the armory should be used for. He will then discuss those options at a future meeting.

Mr. Grier asked if the building is still being considered as a potential police department; Mr. Morrow said that is the reason he would like to see the report. The city manager, Chief Hudson and he will be meeting with an architect on Wednesday morning at the armory.

Mr. Carmean explained they are meeting with a group of sales people at no cost to the city. Their business creates off site mezzanines and they will determine if the basketball court area has the required structure and height to add a mezzanine. Potentially, the city could end up with a 16,000 square feet building by adding the mezzanine.

He feels that the building could be a blank slate on both floors once the downstairs walls are removed. It could then be designed for offices.

*FY 2014-2015 Bulletproof Vests/Purchase Approval/Transfer Tax Account*

Mayor Shupe explained this matter has been discussed in executive session though a vote and funding source are needed.

Mr. Pikus questioned that a motion had been made to purchase the vests; it was confirmed no vote had been taken. Mr. Pikus asked if there is a need for the vests; Chief Hudson explained this is an upgrade from a Level 2 to Level 3A vest that will protect the officers from higher caliber weapons the current vests will not stop. The intent is to increase resistance by purchasing an upgrade vest.

Mr. Pikus asked if Chief Hudson feels it is necessary to buy new vests; Chief Hudson said it is definitely in the best interest and safety of our police officers to purchase the higher level vests.

Mr. Morrow asked if there is grant money available for a portion of the vests.

Chief Hudson confirmed the cost will be approximately \$30,000. Mr. Pikus pointed out it needs to be bid if over \$30,000.

Mr. Pikus asked if some of the \$20,000 received from Kent County could be used to purchase the vests; Chief Hudson advised that money was allocated for another item but if that is what council recommends, he will use those funds.

Mr. Pikus asked if he can use the \$25,000 grant from Sussex County; Chief Hudson said those monies are being used to purchase the other items that were requested. Mr. Pikus suggested the funds left in the department's training budget also be used.

Mr. Morrow emphasized that we cannot eliminate or reduce training to pay for the vests. He does not want to sacrifice any training that is required.

Chief Hudson explained that a lot of the training budget is used to purchase training ammo and duty ammo which has substantially increased in cost over the past several years.

Mr. Pikus feels the money could come from the Kent County funds and training budget. That would prevent having to transfer reserve funds to the police budget.

Mr. Pikus asked the city manager if that would work. Mr. Carmean recalled this being discussed at previous meetings and it was suggested by him and recommended that the \$40,000 received from unexpected transfer taxes as a result of an error in the county's calculations be used.

Mr. Morrow suggests that Chief Hudson and the city manager discuss with the finance director on which funds to use.

Mr. Grier suggests that we proceed with the vote to purchase the vests; Mr. Pikus said that was already done. Mayor Shupe pointed out it was only discussed in executive session and no motion was made.

Mr. Grier recommends the vests be purchased, seconded by Mr. Pikus. Motion carried.

The city manager then noted that Mr. Pikus is now presenting different funding sources. He prefers to work this out with the finance director and Chief Hudson. In that manner, they can determine the amount of money that will be needed for training, firearms, etc. for the balance of the fiscal year and still allow the vests to be purchased without coming back to council.

Council agreed noting that was the intent when it was discussed in executive session.

Mr. Carmean then stated that he would use a portion of the transfer tax fund as was previously discussed; council agreed.

#### *Alcohol Waiver/Brewfest Request/Downtown Milford, Incorporated*

Mayor Shupe presented a request from Downtown Milford, Incorporated to sponsor a new event which will be called "Brewgrass Festival in Bicentennial Park". The festival will offer live bluegrass music, food to purchase and beer tastings from local Delaware and Maryland breweries. There will be a maximum of 500 participants. The event is planned for Sunday, June 14, 2015 from noon to 4:00 p.m.

The amendment to the Parks and Recreation Ordinance adopted earlier this evening allows an exception for alcohol to be served at special events, as long as the organizer meets the requirements outlined in the ordinance. That change will allow this event, and similar events, to occur if the criteria in the ordinance is met.

Mr. Pikus asked if council is able to approve the event tonight; Mayor Shupe stated yes.

Mr. Pikus moved for approval of the event, seconded by Mr. Grier. Motion carried.

#### MONTHLY FINANCE REPORT

Finance Committee Chairman Pikus reported that through the fourth month of Fiscal Year 2014-2015 with 33% of the fiscal year having passed, 41% of revenues have been received and 31% of the operating budget expended.

He noted that the general improvement fund is negative which is only temporary because funds will be received from the Southeast Front Street and Goat Island projects. That will bring that account back up to approximately \$550,000.

Mr. Pikus also noted that any funds needed for the Milford Armory will be paid from the General Fund Capital Reserves.

He concluded by stating that all of the city funds remain healthy though he emphasized the report is only as of October.

Mr. Morrow moved to accept the October 2014 finance report, seconded by Ms. Wilson. Motion carried.

#### EXECUTIVE SESSION

Ms. Wilson moved to go into Executive Session reference below reasons, seconded by Mr. Mergner:

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 (Union Contract).

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property (Property Sale).

Mayor Shupe recessed the Council Meeting at 7:48 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

Motion carried.

#### *Return to Open Session*

City Council returned to Open Session at 8:20 p.m.

#### *Police Union Contract*

Mr. Morrow stated that based on the recommendation of the Police Committee, Mr. Morrow moved not to approve the Union Contract in its current form and direct City Manager Carmean and his negotiating team to continue discussions, seconded by Ms. Wilson. Motion carried with no one opposed. Mr. Brooks abstained.

#### *Property Sale*

Mr. Grier moved to give the city manager permission to continue negotiating the property discussed in executive session, seconded by Ms. Wilson. Motion carried with no one opposed.

ADJOURN

With no further business, Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

The Council Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder