

City of Milford



CITY COUNCIL AGENDA

October 26, 2015 - 7:00 P.M.

Joseph Ronnie Rogers Council Chambers

Milford City Hall

201 South Walnut Street

Milford, Delaware

PUBLIC HEARING

Community Development Block Grant Program - Sussex & Kent Counties - Fiscal Year 2016

Adoption of Resolutions 2015-28, 2015-29, 2015-30, 2015-31, 2015-32

City of Milford Comprehensive Plan Amendment

Adoption/Ordinance 2015-16

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Motion-Executive Session

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

Potential Land Purchase

Land Sale/Swap

Armory Lease

Recognition

Proclamation 2015-24/Community Planning Month

Communications

Unfinished Business

New Business

SE Master Plan Amendment

Authorization/CTF Funding/Swap-Out/Rep Harvey Kenton/Cemetery Roads/General Fund Reserves

DBF Proposal/Fisher Avenue Pump Station Rehab Project*
Funding Authorization/SE Milford Water Project/New Well*

Adjourn

WORKSHOP

Call to Order - Mayor Bryan Shupe

Solid Waste Code-Yard Waste Additional Container & Bulk Pickup Fee

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.

082115 090815 100215 101215 101615 *102215 Late Information Received

PUBLIC HEARING

The **City of Milford, Delaware**, in cooperation with the Levy Court of Kent County, the Sussex County Council, and the Delaware State Housing Authority (DSHA), will hold a public hearing on **Monday, October 26, 2015 at 7:00 p.m. at the City Hall, 201 South Walnut St., Milford, Delaware** for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This Federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties.

For further information on this hearing, please contact the Kent County Department of Planning at 744-2480 or the Sussex County Department of Community Development at 855-7777.

City of Milford



RESOLUTION 2015-28 Sussex County

Council Member _____ submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ _____, total CDBG grant request is \$ _____. Matching funds in the amount of \$ _____ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 26th DAY OF OCTOBER 2015.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Council Members

Garrett Grier, III	Owen Brooks, Jr.
Christopher Mergner	Douglas Morrow
Lisa Ingram Peel	James Starling, Sr.
James Burk	Katrina Wilson

Bryan W. Shupe
Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. _____ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE ____ DAY OF _____.

Robin A. Griffith
Clerk of the County Council

City of Milford



Resolution 2015-29 CITIZEN PARTICIPATION CERTIFICATE OF ASSURANCE Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on October 26, 2015 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and after one Public Hearing, endorsed this application.

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2015-30 Requirement for Fair Housing Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 26, 2015.

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2015-31

Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Bryan W. Shupe, to submit the Fiscal Year 2016 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2016 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on October 26, 2015.

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2015-32 Requirement for Fair Housing Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 26, 2015.

Mayor Bryan W. Shupe

Attest _____

Preliminary Land Use Service (PLUS) Comprehensive Plan Amendments and Municipal Ordinances

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: City of Milford	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

Date of Most Recently Certified Comprehensive Plan: 01/26/09 _____

Application Type:

Comprehensive Plan Amendment: Amend Future Land Use Map _____

Ordinance: N/A _____

Other: N/A _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

Maps Prepared by: City of Milford	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

see attached.

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

MD-16-183.07-01-01.00-00001 – Perdue Real Estate Holdings, Inc. (PERDUE)

Perdue has a Site Plan application pending approval by City Council for a live holding shed, chiller addition, and electric/refrigeration addition on 33.40 +/- acres across multiple parcels. In order to obtain final approval from the City, Perdue must combine four of their six parcels because the plant footprint crosses parcel boundary lines. Of the four parcels to be combined, Parcel MD-16-183.07-01-01.00-00001 is zoned C-3 while the other three are zoned I-2. A change of zone of this parcel from C-3 to I-2 is required in order to avoid split zoning of the consolidated parcel. After review of the Future Land Use Map in the Comprehensive Plan, the proposed I-2 zoning is not compliant with the existing highway/commercial land use. Therefore, the City requests an amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use to Employment.

Amberwood Subdivision – Crop Production Services, Inc. (HOLLY HILL ROAD)

The recorded subdivision Amberwood, parcels MD-16-182.07-01-01.00-00001 through MD-16-182.07-01-99.00-00001, MD-16-182.07-02-01.00-00001 through MD-16-182.07-02-99.00-00001, and MD-16-182.07-03-01.00-00001 through MD-16-182.07-03-23.00-00001, is located along Holly Hill Road in Milford. The property is currently owned by Crop Production Services, Inc. and all lots within the subdivision are unimproved. The owner would like to consolidate all parcels and change the zoning from R-3 to I-2. The City feels this is a more suitable land use since the property is adjacent to the Baltimore Air Coil facility. The City requests an amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use from Moderate Density Residential to Employment.

Wilkins Road Area

The City of Milford anticipates a sewer service request for the White Oak Mobile Home Park, tax parcels 3-30-15.00-056.00 & 057.00, located along Wilkins Road in Milford. These properties are part of a group of parcels located at the southeast corner of the Wilkins Road and Elk Lodge Road intersection and are part of the Southeast Neighborhood Master Plan. The City requests an amendment to the Future Land Use Map of the Southeast Master Plan changing the land use of the White Oak Mobile Home Park along with parcels 3-30-15.00-053.00, 054.00, 055.00, and 056.01 from Low Density Residential to High Density Residential.

Lands of Charles Wilkerson (N.E. FRONT STREET)

Parcel MD-16-183.08-01-04.00-00001 is unimproved and located on Wilkerson Drive in Milford. The property owner has requested a zoning change from R-2 to I-1 to match the zoning of his surrounding properties. Parcel MD-16-183.07-01-23.00-00001 is improved with one building and is already zoned I-1. The City requests an amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use for these two parcels from Moderate Density Residential to Employment.

1-30-3.00-080.02 – Mispillion Realty, LLC (OLD SHAWNEE ROAD)

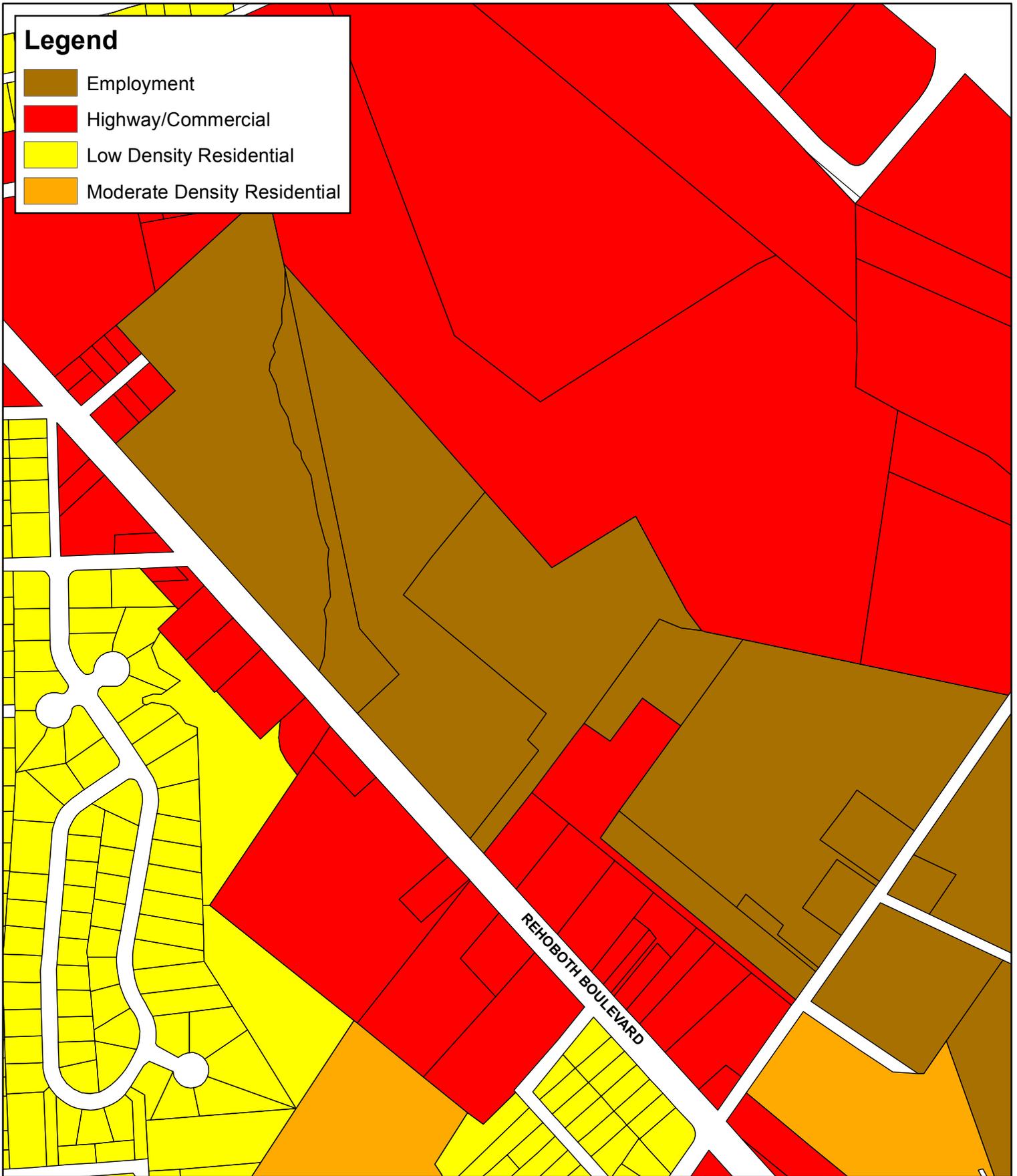
Parcel 1-30-3.00-080.02 is approximately (2) two acres in size and located along Old Shawnee Road in Milford. This property is located adjacent to Brookstone Trace outside City limits and is currently unimproved. The owner/developer of Brookstone Trace has purchased the parcel and intends to annex the property into the City and incorporate the parcel into the subdivision. The City requests an amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use from Low Density Residential to Moderate Density Residential.

MD-16-183.06-02-14.00-00001 – City of Milford - Armory

Parcel MD-16-183.06-02-14.00-00001 is owned by the City of Milford and is the site of the old Armory Building. This property was deeded to the City by the State of Delaware with the understanding that the property would not be sold or developed for residential use. The City would like to change the zoning from R-2 Residential District to OB-1 Office Building District to allow for the operation of professional offices of a low-profile, low traffic category in residential areas. Therefore, the City requests an amendment to the Future Land Use Map of the Comprehensive Plan changing the future land use from Low Density Residential to Employment.

Legend

- Employment
- Highway/Commercial
- Low Density Residential
- Moderate Density Residential



EXISTING LAND USE MAP PERDUE MILFORD, DELAWARE

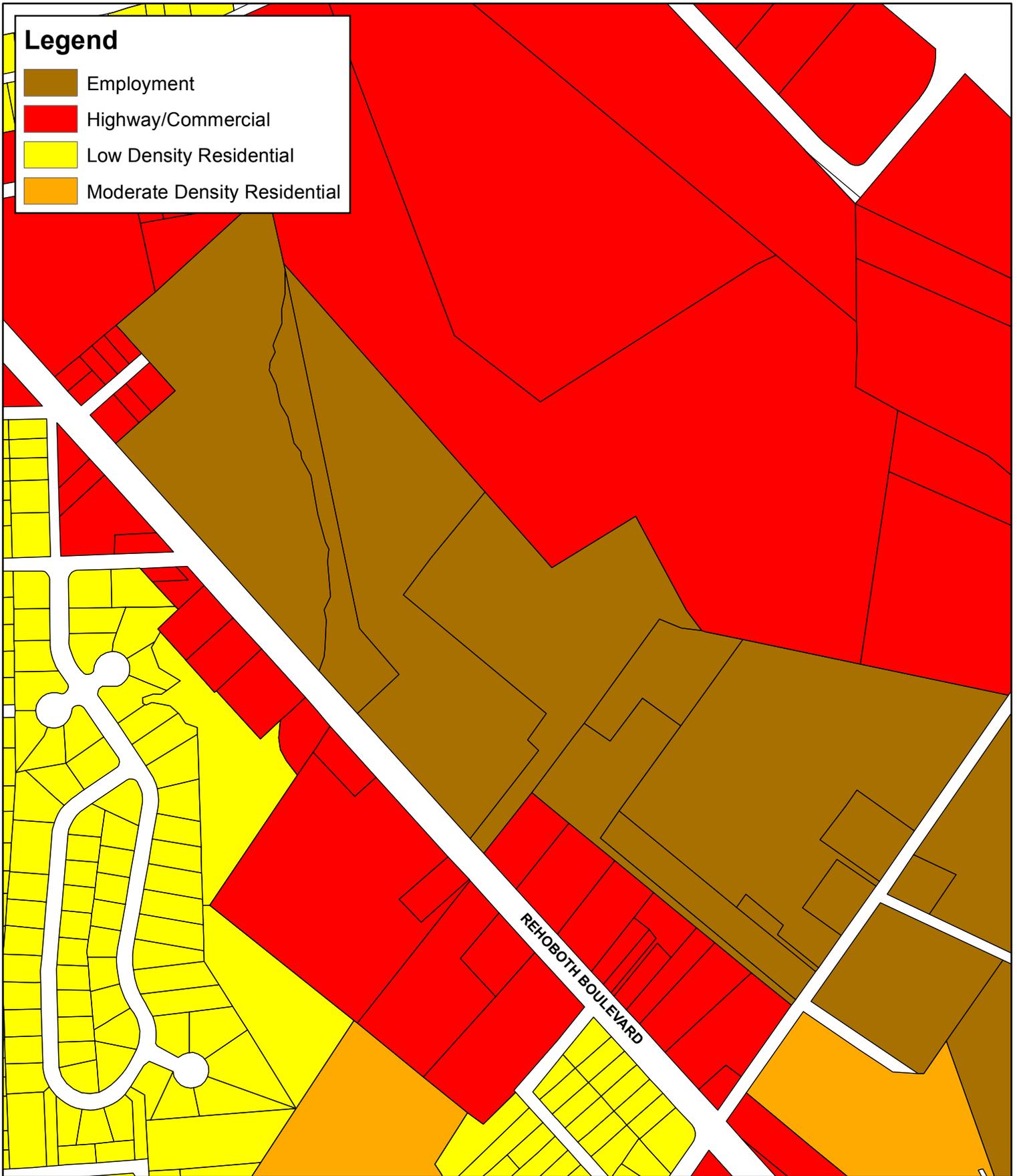
DATE: 5/12/15

SCALE: 1" = 400'

MAP 1 of 2

Legend

- Employment
- Highway/Commercial
- Low Density Residential
- Moderate Density Residential



PROPOSED LAND USE MAP PERDUE MILFORD, DELAWARE

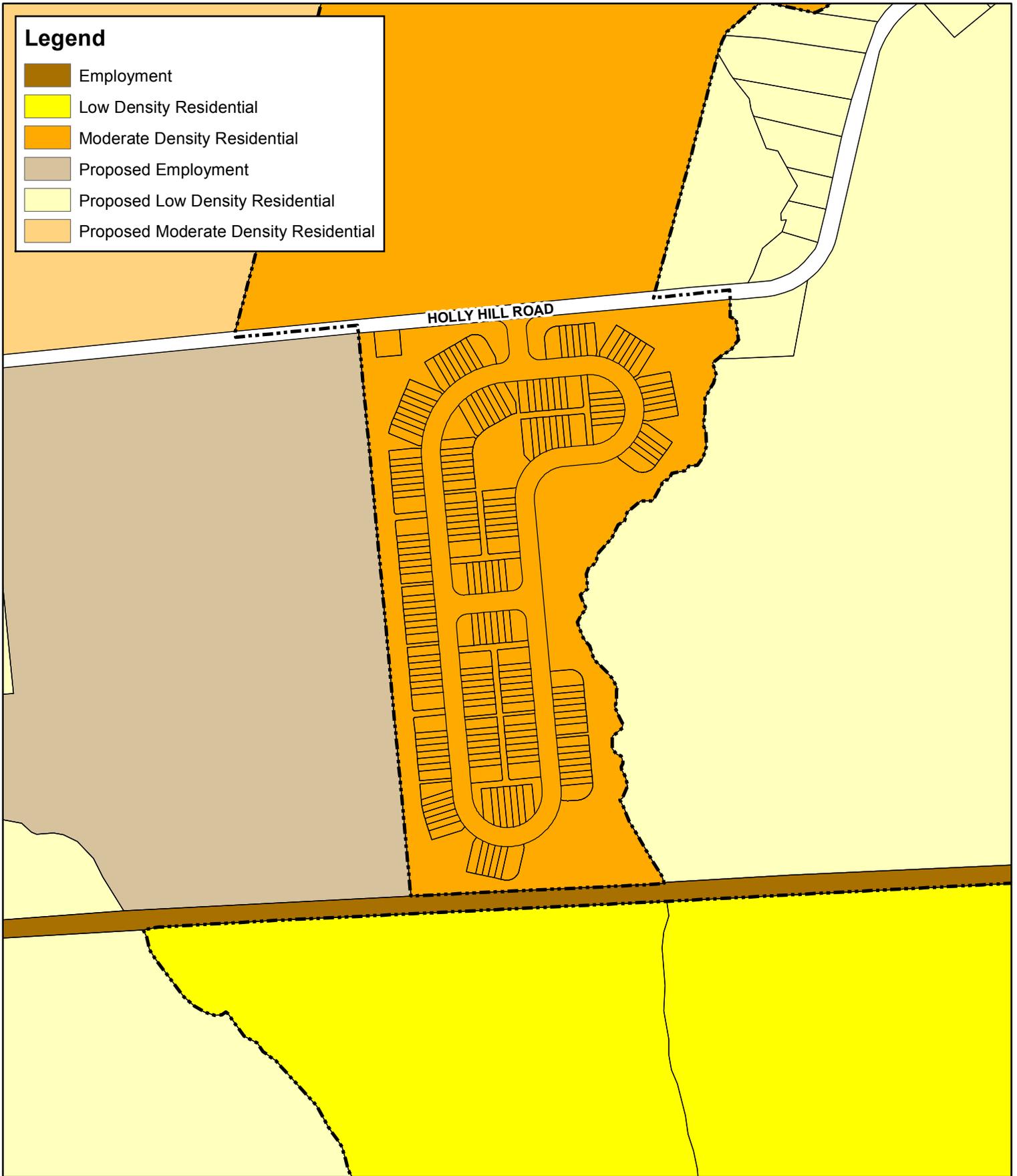
DATE: 5/12/15

SCALE: 1" = 400'

MAP 2 of 2

Legend

-  Employment
-  Low Density Residential
-  Moderate Density Residential
-  Proposed Employment
-  Proposed Low Density Residential
-  Proposed Moderate Density Residential



EXISTING LAND USE MAP
HOLLY HILL ROAD
MILFORD, DELAWARE

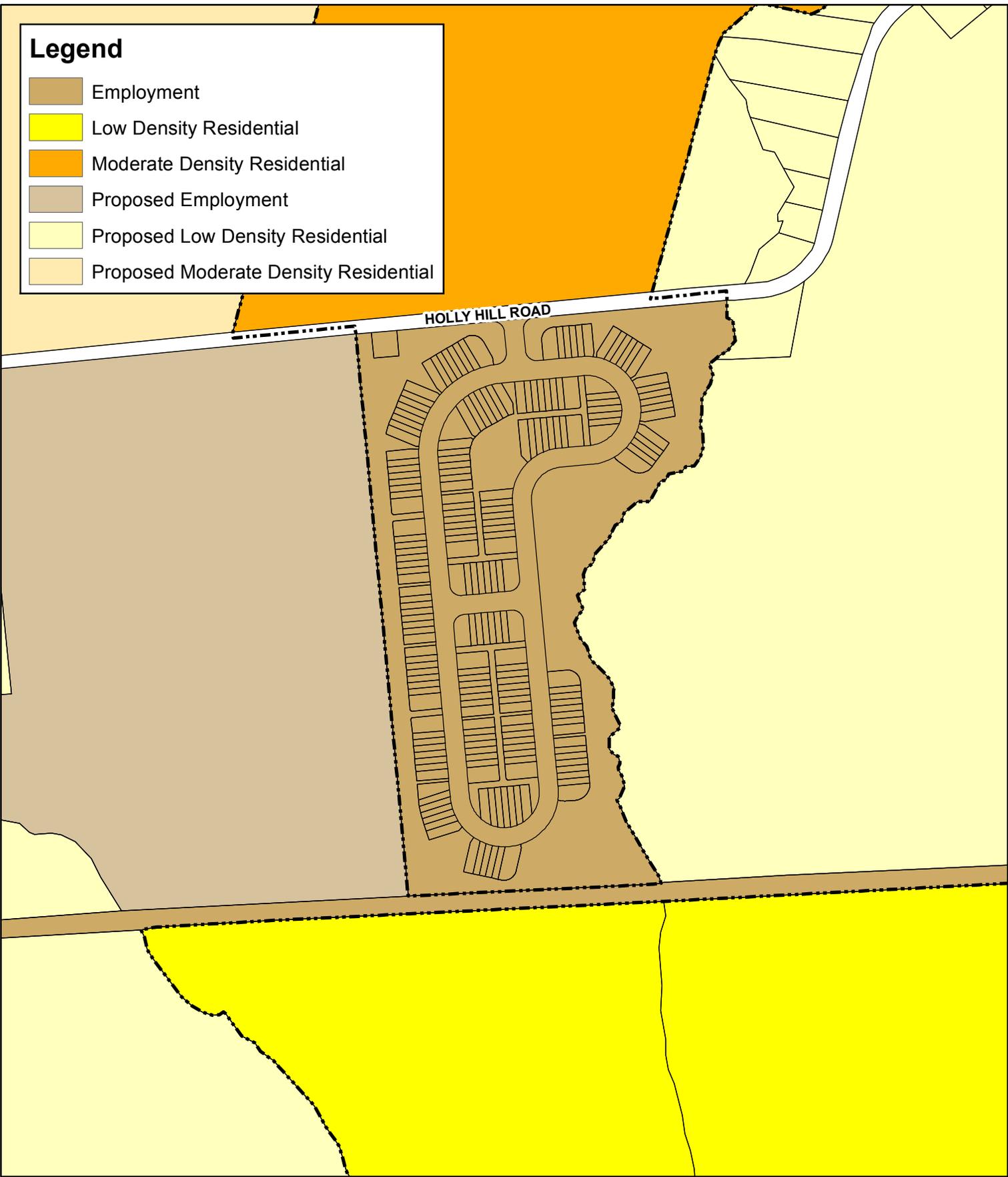
DATE: 5/12/15

SCALE: 1" = 400'

MAP 1 of 2

Legend

-  Employment
-  Low Density Residential
-  Moderate Density Residential
-  Proposed Employment
-  Proposed Low Density Residential
-  Proposed Moderate Density Residential



PROPOSED LAND USE MAP
HOLLY HILL ROAD
MILFORD, DELAWARE

DATE: 5/12/15

SCALE: 1" = 400'

MAP 2 of 2

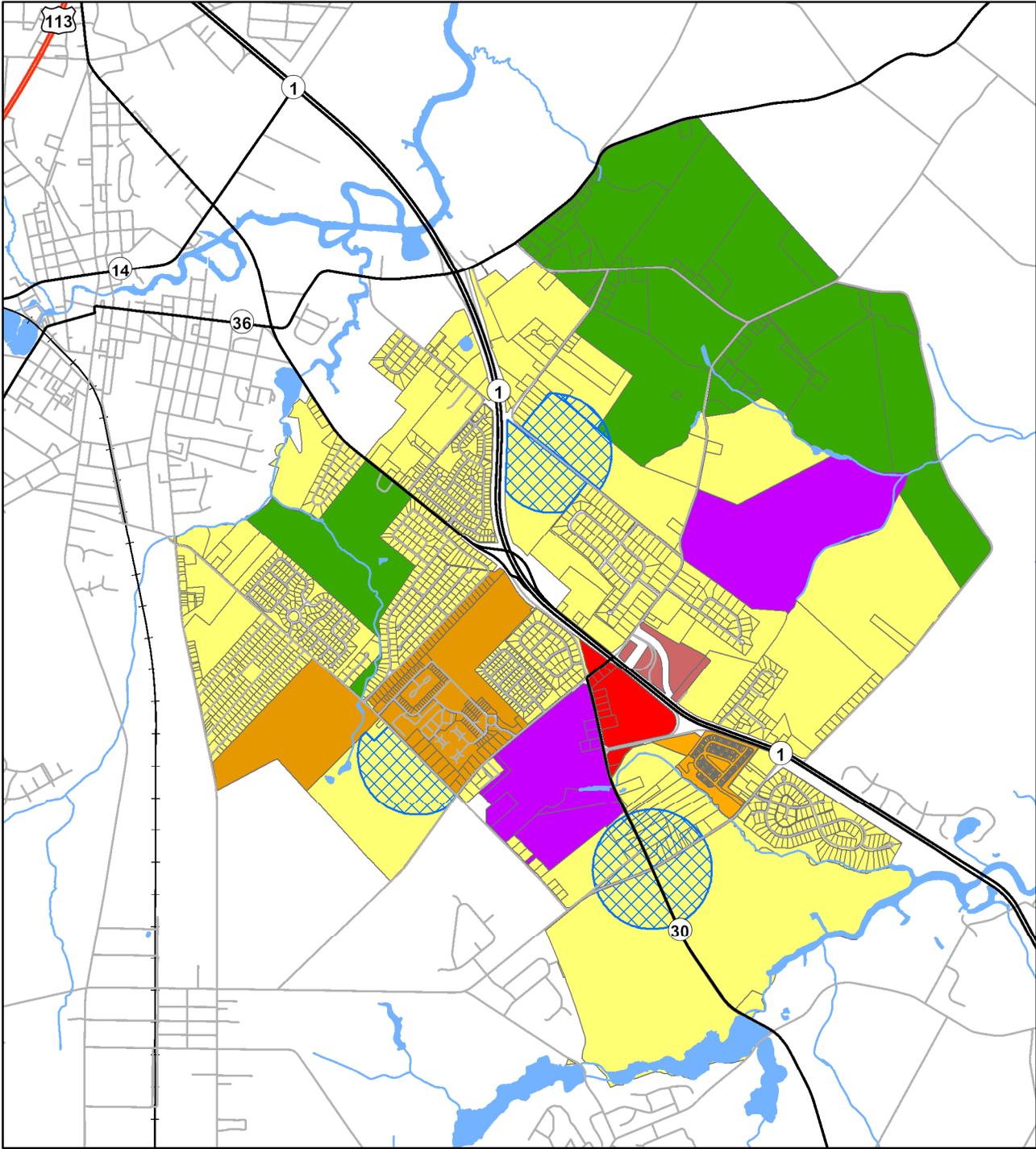
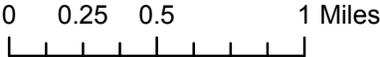
Milford South East Neighborhood Master Plan

Map #1 Land Use

Revised February 2015

Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DelDOT Owned
- TDR Receiving Areas



Milford South East Neighborhood Master Plan

Map #1 Land Use

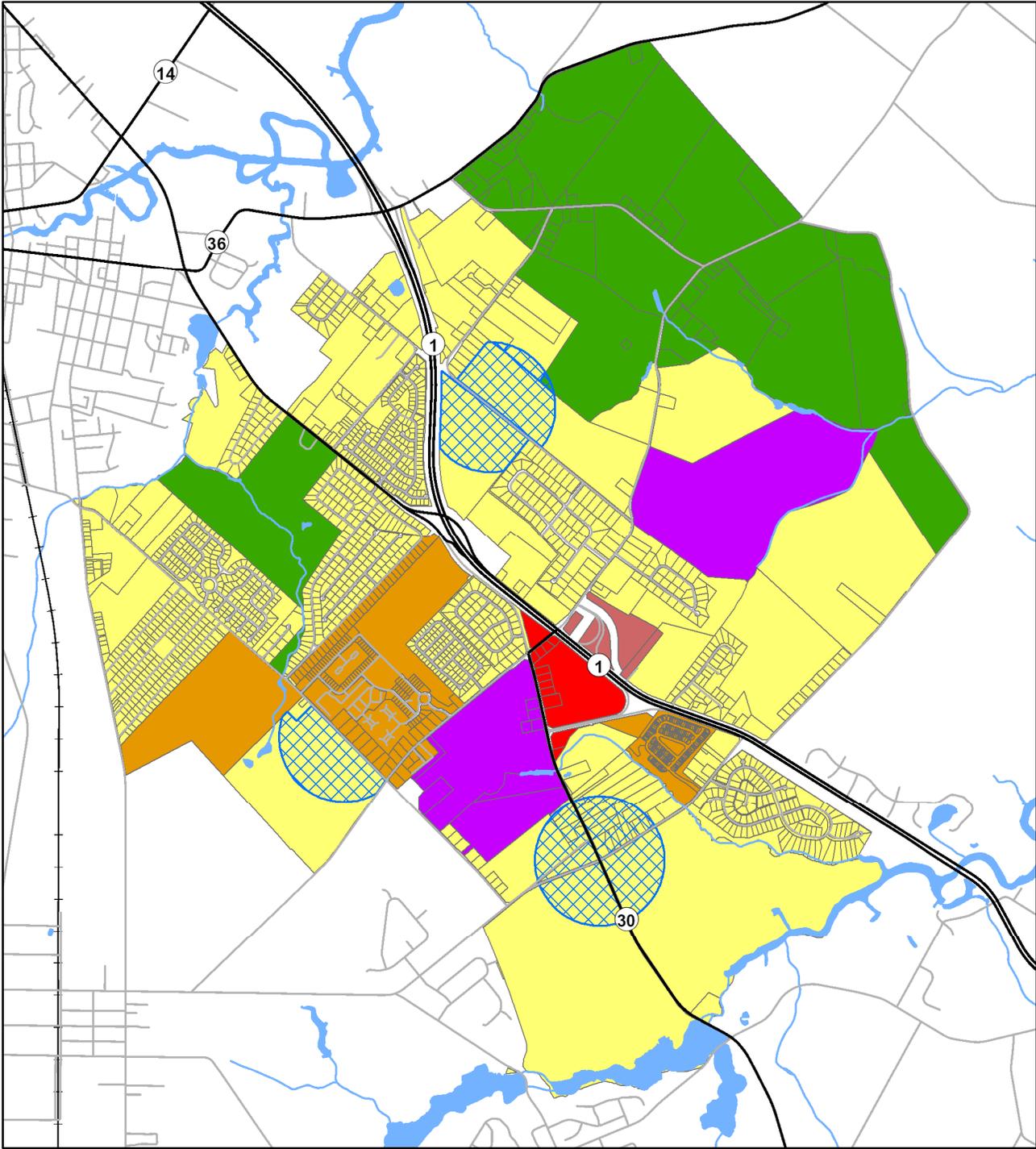
Revised May 2015

Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DeIDOT Owned
- TDR Receiving Areas

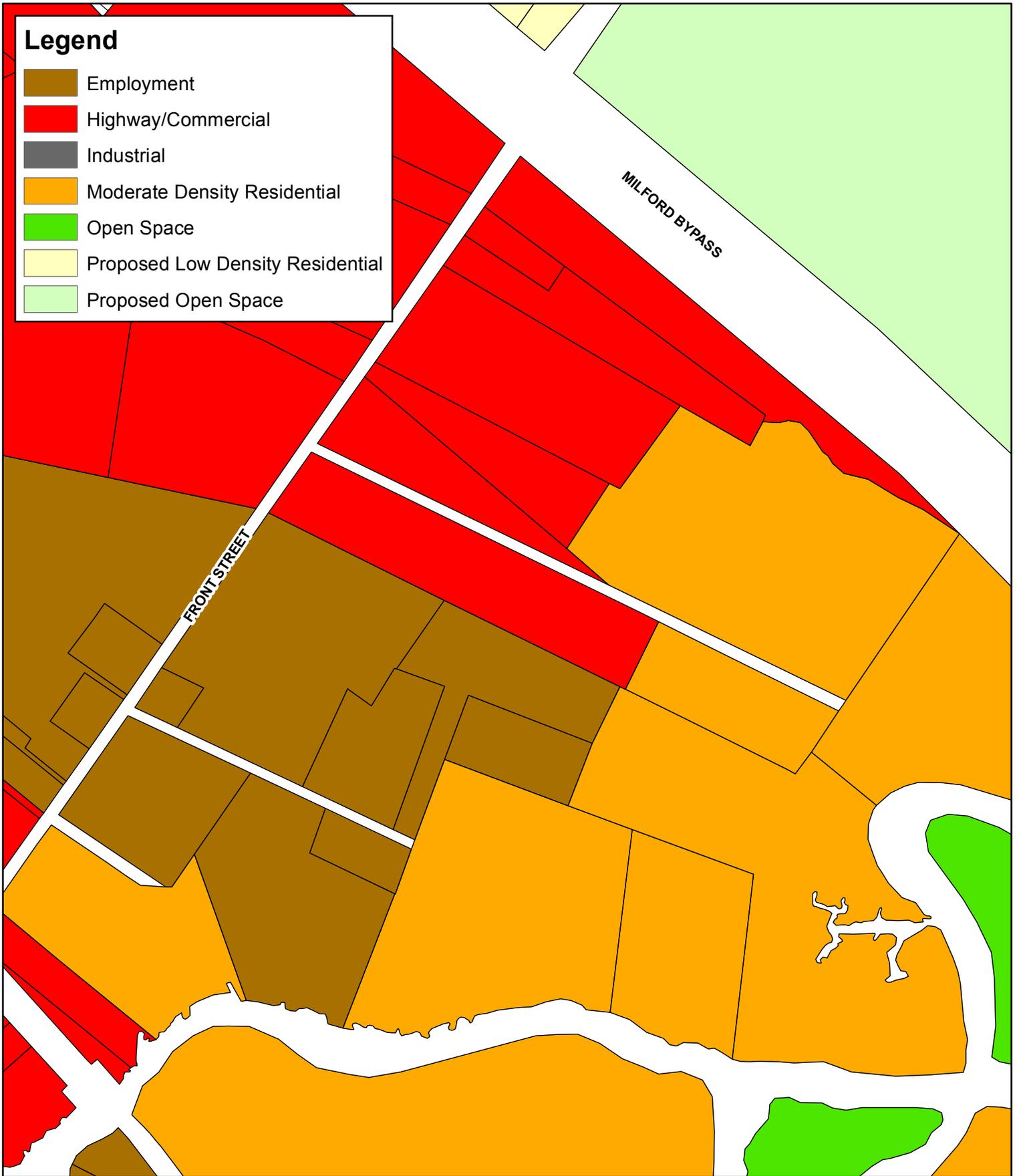


0 0.25 0.5 1 Miles



Legend

- Employment
- Highway/Commercial
- Industrial
- Moderate Density Residential
- Open Space
- Proposed Low Density Residential
- Proposed Open Space



EXISTING LAND USE MAP N.E. FRONT STREET MILFORD, DELAWARE

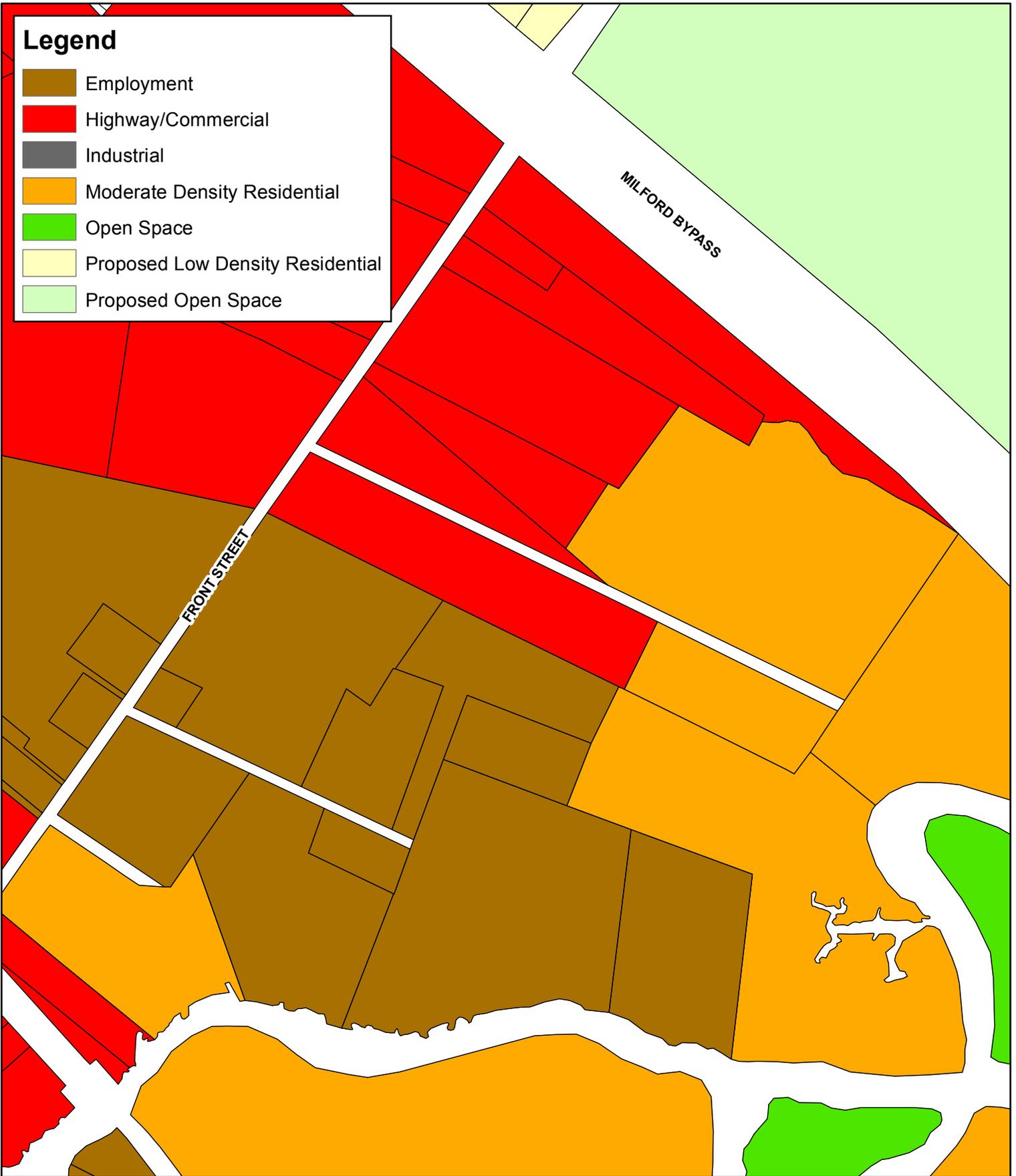
DATE: 5/12/15

SCALE: 1" = 400'

MAP 1 of 2

Legend

-  Employment
-  Highway/Commercial
-  Industrial
-  Moderate Density Residential
-  Open Space
-  Proposed Low Density Residential
-  Proposed Open Space



PROPOSED LAND USE MAP
N.E. FRONT STREET
MILFORD, DELAWARE

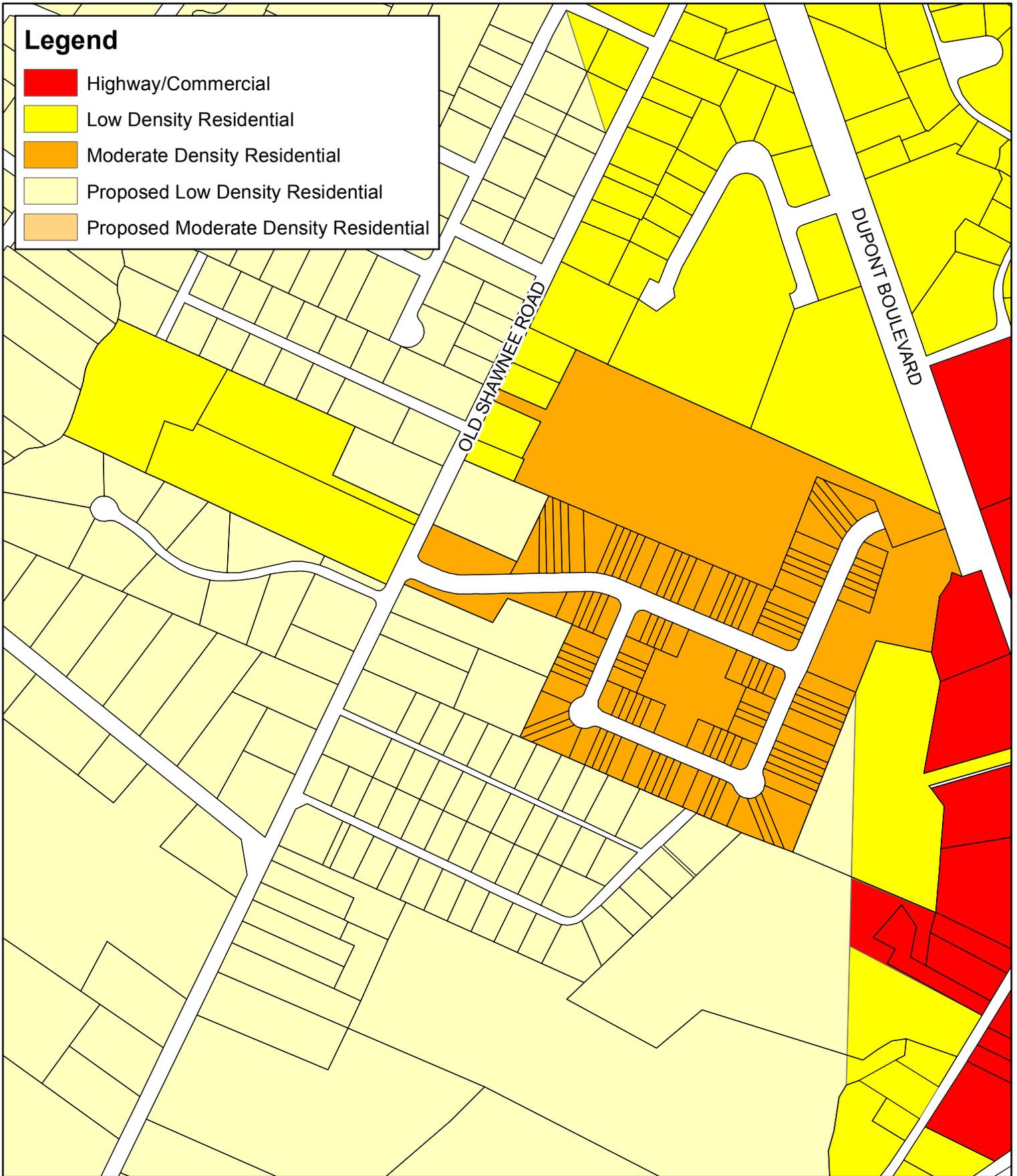
DATE: 5/12/15

SCALE: 1" = 400'

MAP 2 of 2

Legend

-  Highway/Commercial
-  Low Density Residential
-  Moderate Density Residential
-  Proposed Low Density Residential
-  Proposed Moderate Density Residential



PROPOSED LAND USE MAP OLD SHAWNEE ROAD MILFORD, DELAWARE

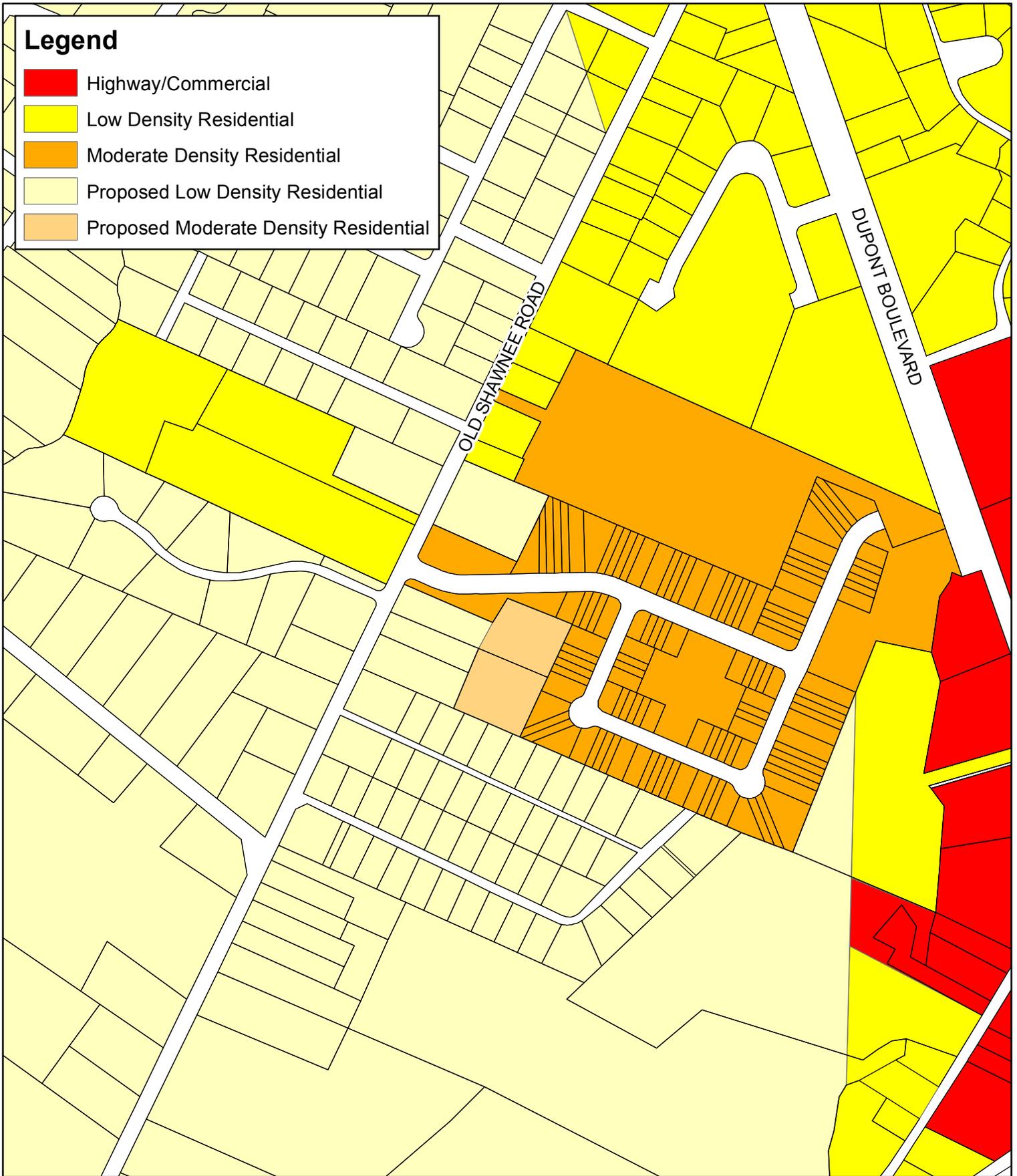
DATE: 5/12/15

SCALE: 1" = 400'

MAP 2 of 2

Legend

-  Highway/Commercial
-  Low Density Residential
-  Moderate Density Residential
-  Proposed Low Density Residential
-  Proposed Moderate Density Residential



PROPOSED LAND USE MAP OLD SHAWNEE ROAD MILFORD, DELAWARE

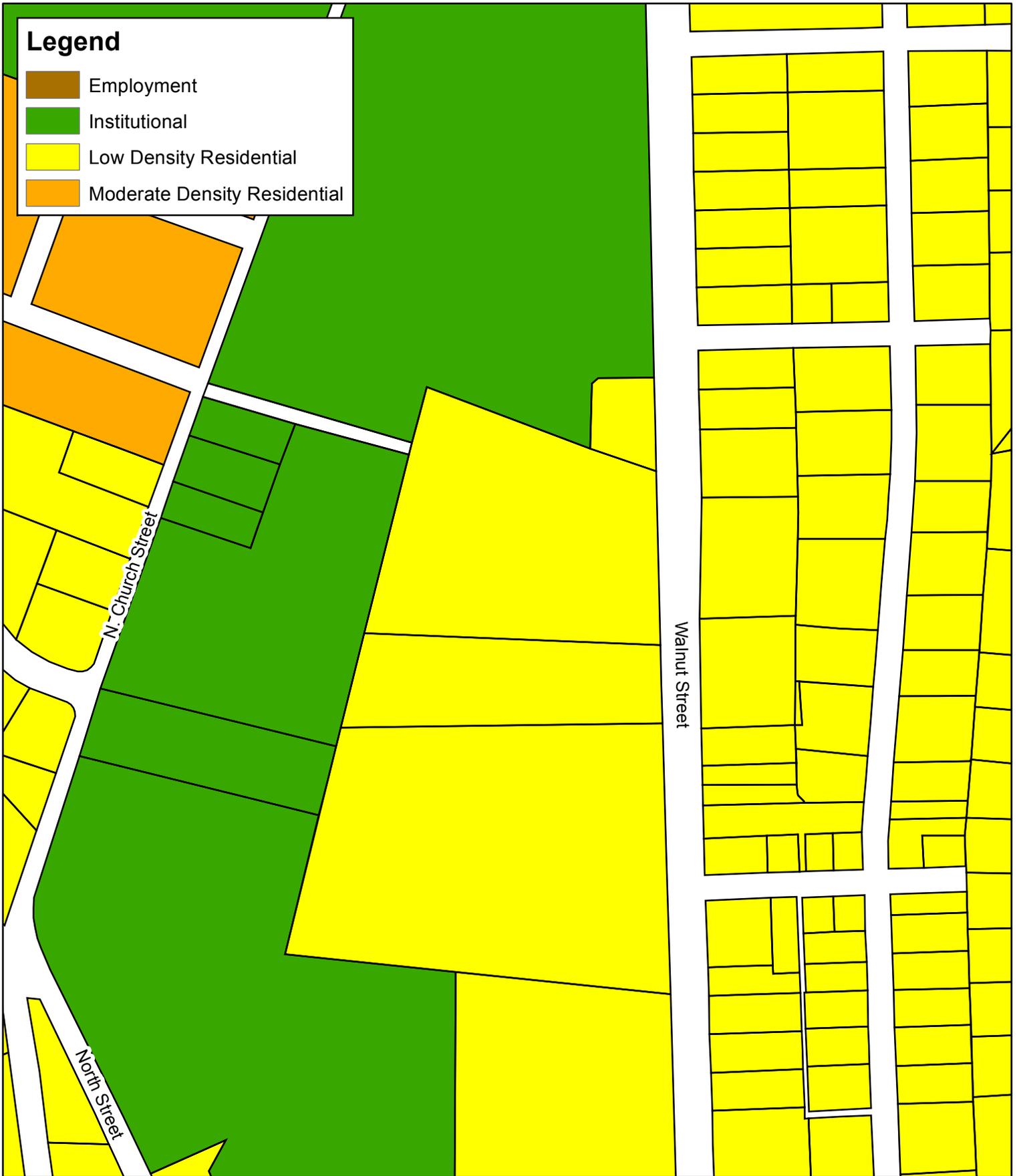
DATE: 5/12/15

SCALE: 1" = 400'

MAP 2 of 2

Legend

-  Employment
-  Institutional
-  Low Density Residential
-  Moderate Density Residential



EXISTING LAND USE MAP CITY OF MILFORD - ARMORY BLDG MILFORD, DELAWARE

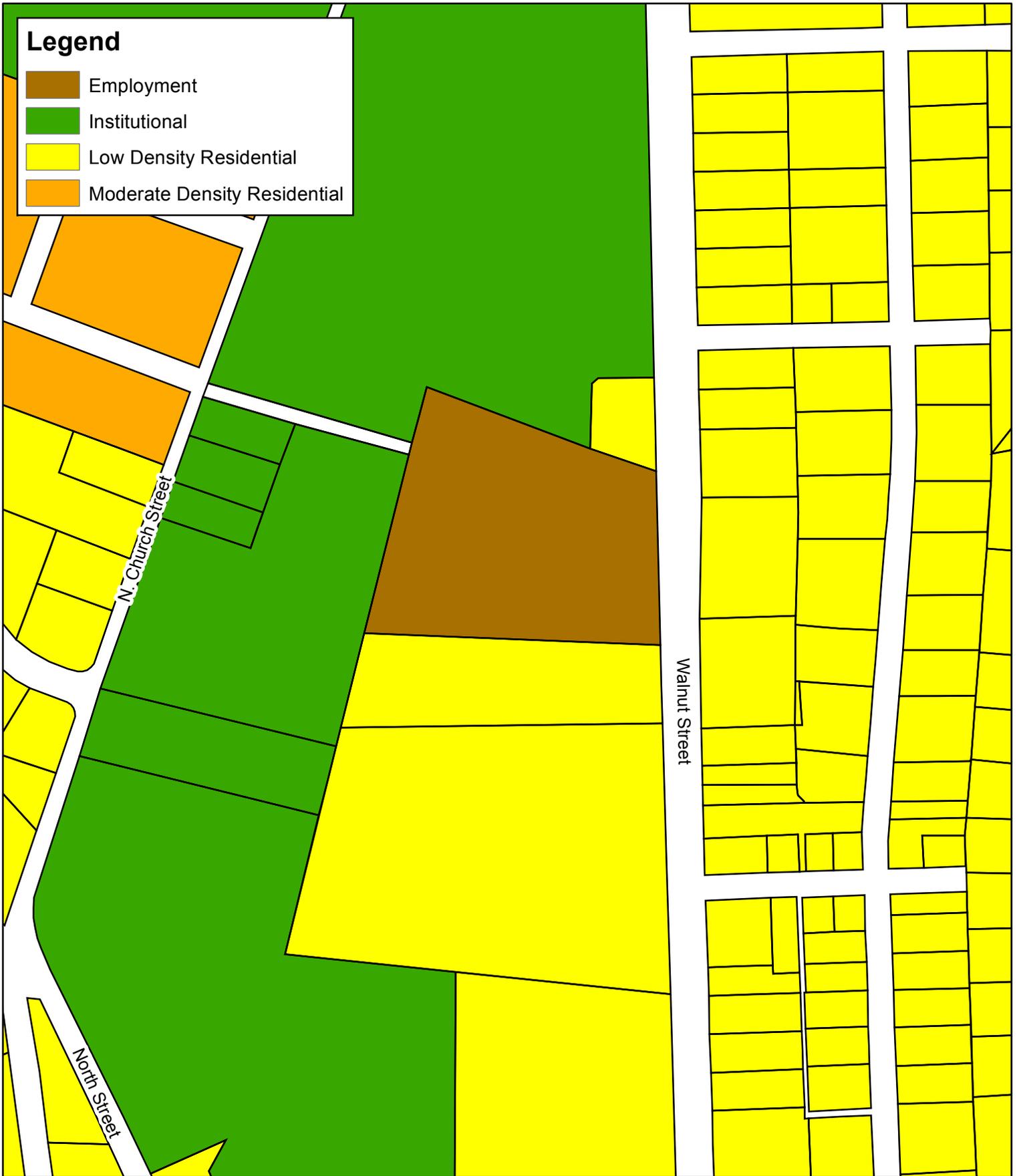
DATE: 5/27/15

SCALE: 1" = 200'

MAP 1 of 2

Legend

-  Employment
-  Institutional
-  Low Density Residential
-  Moderate Density Residential



PROPOSED LAND USE MAP CITY OF MILFORD - ARMORY BLDG MILFORD, DELAWARE

DATE: 5/27/15

SCALE: 1" = 200'

MAP 2 of 2



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

July 23, 2015

Mr. Rob Pierce
City of Milford
201 Walnut Street
Milford, DE 19963

RE: PLUS review 2015-06-02, City of Milford Comprehensive Plan Amendment

Dear Rob,

Thank you for meeting with State agency planners on June 24, 2015 to discuss the proposed comprehensive Plan Amendments for the City of Milford. The amendments addresses proposed changes of certain parcels in Milford's Proposed Land Use Map.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

- This application represents a series of amendments to the Milford Comprehensive Plan. We understand that these amendments have been awaiting action for some time, and that it is important for the City to move forward with them expediently. While we would have preferred that these were included in the Plan Update that is underway, we understand the time constraints. We have no comments on the individual plan amendments. Our office encourages the City to prepare an overall Plan Update to integrate these and other changes.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- DelDOT has no regulatory requirements with regard to any of the proposed Comprehensive Plan changes or rezoning applications. However, all of the proposed changes are prompted by currently pending or proposed future changes in land use that could require DelDOT participation in the City's site plan approval process, as per Section P.3 of the Development Coordination Manual and could require the developers to

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

obtain entrance plan approvals and entrance permits from DeIDOT, again as per Section P.3 of the Development Coordination Manual.

In all cases, the City should refer the applicants or their engineers to our Subdivision Review Coordinator for Kent County, Ms. Wendy Polasko, to determine what approvals they will need to obtain. We recognize that two of the proposed changes refer to parcels in Sussex County. Ms. Polasko's responsibilities include all of Milford, regardless of County. Ms. Polasko may be reached at (302) 760-2542.

With particular regard to the Perdue Farms parcels, we may be able to significantly limit our review if the company proposes no changes to its access or the volume of traffic using that access. However, we will need to determine those conditions apply.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Habitat and Wildlife.

- Note that the following comments apply to any projects that will result in the clearing of an acre or more (≥ 1) of trees:

Due to population declines largely caused by white nose syndrome, a fungal disease known only to affect bats, Northern Long-eared Bat (NLEB – *Myotis septentrionalis*) have been listed as federally threatened under the U.S. Endangered Species Act. Note that any project that proposes to clear an acre or more (≥ 1) of trees will be subject to review by the U.S. Fish and Wildlife Service. For more information, please contact Julie Thompson at Julie_Thompson@usfws.gov or 410-573-4595.

Perdue Real Estate Holdings, Inc. (PERDUE)

Source Water Protection Areas.

- The parcel intersects two undelineated wellhead protection areas for public wells owned by the City on the southeast side (see image). In developing this area, the City should consider their source water protection ordinances.



Air Quality.

- The Division of Air Quality (DAQ) notes that this area currently appears to be used for parking and that the Perdue site has a mix of residential and commercial neighbors. Between Perdue and its neighbors stands an established vegetative buffer. Please be advised that the following regulations may apply to this project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1102 - Permits	<ul style="list-style-type: none"> • Report and obtain approval of equipment which has the potential to discharge air contaminants into the atmosphere • Submit any relevant information that the DAQ may request. Relevant information includes information that, in the DAQ’s opinion, is relevant to any permit application/registration or that is necessary to determine the applicability of or compliance with any State or Federal requirement, any permit term or condition, or any condition of registration. Such information also includes a permit application or a registration form, or a corrected or supplemented application/registration.
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris.

	<ul style="list-style-type: none"> • Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website:
<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Additional measures may be taken to substantially reduce the air emissions associated with Perdue’s expansion. These measures include:

- **Constructing with only energy efficient products.** Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution.

- **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.
- **Constructing with high albedo, high solar reflectance materials.** This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.
- **Providing shade for parking areas.** Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.
- **Encouraging the use of safe multimodal transportation.** This measure can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year. There is an existing DART bus stop within walking distance of the property on North Rehoboth Boulevard at the intersection of North Walnut Street and NW 10th Street. The stop is served by route 303, which extends from points north in Dover to points south in Georgetown.
- **Using retrofitted diesel engines during construction.** This includes equipment that is on-site as well as equipment used to transport materials to and from site.
- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
- **Planting/maintaining trees in vegetative buffer areas.** Native trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development.

Amberwood Subdivision – Crop Production Services, Inc. (HOLLY HILL ROAD)

Source Water Protection Areas.

- The parcels proposed for rezoning from R-3 to I-2 are within an excellent groundwater recharge potential area. The City's zoning designation of I-2 represents a General

Industrial District. It appears that this zoning change is inconsistent with the City's Code of Ordinances §230-19.5 - Source Water Protection District.



Site Visit Request.

- Our Division of Fish and Wildlife scientists have not surveyed the project area. In order to provide more informed comments, we request the opportunity to conduct a survey of the forest within the project area. Specifically, we would like to evaluate the habitat and determine the potential for species of conservation concern prior to the initiation of any projects that disturb the forest or wetlands on site. Please note that our scientists have extensive knowledge of the flora and fauna of the state. The survey will be conducted at no expense to the landowner. Please contact Kate Fleming at (302) 735-8658 or at Kate.Fleming@state.de.us if the landowner will grant a site visit.

Bald Eagle.

- There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest adjacent to the parcels proposed for rezoning. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). The U.S. Fish and Wildlife Service (USFWS) developed *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of suggested buffer zones (330 ft. to 660 ft. from a nest) and time-of-year restrictions for certain activities in several categories. Portions of the areas proposed for rezoning do fall within these buffer zones. It will be necessary to contact Craig Koppie with the USFWS prior to engaging in any activities that may disturb the nest and nesting eagles. For more information, please contact Craig Koppie of the USFWS at (410) 573-4534 or Craig_Koppie@fws.gov.

Northern Long-Eared Bat.

- Due to population declines largely caused by white nose syndrome, a fungal disease known only to affect bats, Northern Long-eared Bat (NLEB – *Myotis septentrionalis*) have been listed as federally threatened under the U.S. Endangered Species Act. Note that any project that proposes to clear an acre or more (≥ 1) of trees will be subject to review by the U.S. Fish and Wildlife Service. For more information, please contact Julie Thompson at Julie_Thompson@usfws.gov or 410-573-4595.

Swamp Pink.

- Swamp pink (*Helonias bullata*) is a federally listed plant that has been documented just downstream of this project site, and as such, could potentially occur in the wetlands found along the eastern border of the project area. This species appears to be very sensitive to sedimentation. Note that a site visit will be necessary to determine if swamp pink is present on site.

Wetland Buffers.

- Although we have never surveyed this property, there are records of rare plants and freshwater mussel species within the tributary system that empties into Haven Lake as well as rare species within the Lake. Because of the State's concern regarding water quality, rare species and the amount of funding and staff time that is spent to manage water quality problems within State-owned ponds, wetland buffers of a minimum of 100 feet should be retained.

Air Quality.

- DNREC believes that rezoning to Industrial could potentially change future land use compatibility, giving way to additional industrial and/or commercial uses in a largely agricultural part of Milford. DNREC further believes that such development would introduce negative impacts to human health and the environment through increased air pollution and decreased air benefits. Please note that DNREC encourages sustainable growth practices that:
 - Control sprawl;
 - Preserve rural and forested areas;
 - Identify conflicting land use priorities;
 - Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;
 - Coordinate transportation, environment, and climate protection plans with land use plans; and
 - Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.

Wilkins Road Area

Source Water Protection Areas.

- There are two wellhead protection areas for public wells within the parcels proposed for rezoning (see image). In developing this area, the City should consider their source water protection ordinances. If the redevelopment is to be served by City water, the wells should be properly sealed.



Northern Long-Eared Bat.

- Due to population declines largely caused by white nose syndrome, a fungal disease known only to affect bats, Northern Long-eared Bat (NLEB – *Myotis septentrionalis*) have been listed as federally threatened under the U.S. Endangered Species Act. Note that any project that proposes to clear an acre or more (≥ 1) of trees will be subject to review by the U.S. Fish and Wildlife Service. For more information, please contact Julie Thompson at Julie.Thompson@usfws.gov or 410-573-4595.

Lands of Charles Wilkerson

Site Visit Request.

- Our Division of Fish and Wildlife scientists have not surveyed the project area. In order to provide more informed comments, we request the opportunity to conduct a survey of the forest and wetlands within the project area. Specifically, we would like to evaluate the habitat and determine the potential for species of conservation concern prior to the initiation of any projects that disturb the forest or wetlands on site. Please note that our scientists have extensive knowledge of the flora and fauna of the state. The survey will be conducted at no expense to the landowner. Please contact me at (302) 735-8658 or at Kate.Fleming@state.de.us if the landowner will grant a site visit.

Northern Long-Eared Bat.

- Due to population declines largely caused by white nose syndrome, a fungal disease known only to affect bats, Northern Long-eared Bat (NLEB – *Myotis septentrionalis*) have been listed as federally threatened under the U.S. Endangered Species Act. Note that any project that proposes to clear an acre or more (≥ 1) of trees will be subject to review by the U.S. Fish and Wildlife Service. For more information, please contact Julie Thompson at Julie.Thompson@usfws.gov or 410-573-4595.

Key Wildlife Habitat.

- Note that freshwater tidal scrub-shrub wetlands are documented in portions of the project area, along the southern border of the parcels in question. These habitats are considered Habitats of Conservation Concern according to the Delaware Wildlife Action Plan (<http://www.dnrec.delaware.gov/fw/dwap/Pages/default.aspx>), because it is rare in the state and has the potential to harbor a high diversity of Species of Greatest Conservation Need.

Wetland Buffers.

- To protect the function and integrity of wetlands, a minimum 100-foot buffer should be left intact around the perimeter. This recommendation is based on peer reviewed scientific literature that shows an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. Upland buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

Air Quality.

- DNREC notes that the Wilkerson properties are surrounded by croplands, forests, and wetlands. While the lands of Charles Wilkerson may not be an appropriate location for residential use, it is also likely that any industrial expansion would be incompatible with the topography and resources of the area. These properties are not far removed from the recently finalized Goat Island, which is part of the Mispillion Greenway and is considered an “outdoor classroom” with partnerships from both DNREC and the US Fish and Wildlife Service. DNREC encourages the City to consider the ecological dynamic and tourist appeal of this area before approving Industrial zoning requests.

Mispillion Realty, LLC

Air Quality.

- DNREC notes that there is a mix of uses surrounding the parcel in play: residential, institutional, commercial, and agricultural. Although Old Shawnee Road is an offshoot of Route 113, there is currently no public transportation in the area. Furthermore, Brookstone Trace and the neighboring properties are not designed to facilitate a walkable

or bike-friendly community, despite the wide shoulders along Old Shawnee Road that would suggest an environment for alternative transportation. As Brookstone Trace is expanded, the DAQ encourages the City and the developer to consider adding sidewalks and bike paths and extending these up to Old Shawnee Road. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.

Please be advised that the following regulations may apply to this project, should new homes or other structures be constructed on the reclassified parcels:

Table 2: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris. • Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website:
<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Old Armory Building

Air Quality.

- The Comprehensive Plan Amendment indicates that, in accordance with the agreement between the City and the State of Delaware, the City would like to change the zoning of the old Armory Building from Residential to Office Building in order to 1) prevent residential use or acquisition and 2) allow low profile, low traffic professional office use. The City requests to amend the future land use map to reflect the new classification.

DNREC notes that there is an existing DART bus stop within walking distance of the property on North Walnut Street. The stop is served by route 303, which extends from points north in Dover to points south in Georgetown. For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.

If any building renovation is planned for this project, please be advised that asbestos and other regulations may apply. For a complete listing of all Delaware applicable regulations, please look at our website:
<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Table 3: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. • Prohibit the burning of land clearing debris. • Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> • Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.

<p>from Consumer and Commercial Products</p>	
<p>7 DE Admin. Code 1144 – Control of Stationary Generator Emissions</p>	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
<p>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</p>	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.
<p>Regulation 21 Section 10 – Emission Standards for Hazardous Air Pollutants, Asbestos</p>	<ul style="list-style-type: none"> • Ensure no visible residue of asbestos materials remains in the work area after all asbestos materials are removed in accordance with NESHAP. • Display DANGER signs whenever airborne asbestos may be present in accordance with NESHAP and OSHA • Use wet removal techniques. • Dispose of all asbestos containing waste in clearly labeled sealed containers and store in a secure location awaiting transport to an authorized disposal facility, not to exceed a period of 45 days.

Instructions for Handling Asbestos.

- Please select a Certified Professional Service Firm (CPSF) from the attached list to inspect the facility and sample for Asbestos-Containing Materials (ACM). Once you receive the CPSF report detailing their findings as to how much, what type(s), and the location(s) of the ACM present, you can use that info to fill out the “Notification of Demolition or Renovation” form. If necessary, please select an asbestos abatement contractor from the list, and call to schedule the work to begin three weeks (or more) from the date you mail the form to EPA. When you choose an abatement contractor, please enter the remainder of the required info on the form, to include the name of the Abatement Contractor, name of the Hazmat Hauler who will haul the ACM, and the Hazmat landfill where the ACM will be taken. Once you have completed the form, please make four (4) copies of it, and then send the ORIGINAL to USEPA at the following address:

USEPA Region III
 Attn: Asbestos Coordinator
 1650 Arch Street
 Philadelphia, PA 19103

Send one copy to the DAQ:

DNREC/DAQ
c/o Mr. Thomas Postell
655 S. Bay Rd., Suite 5N
Dover, DE 19901

You must wait a minimum of ten business days after EPA receives your notification, prior to any activity which may disturb asbestos-containing materials (reasoning behind waiting three weeks to begin abatement work). This allows the EPA asbestos inspectors time to coordinate and schedule a site visit if they so desire.

Once the ACM has been abated, a post-abatement inspection by a CPSF asbestos inspector shall be performed to verify that all ACM has been removed.

Following asbestos removal and re-inspection, normal demolition procedures may be employed to complete the demolition process.

State Historic Preservation Office – Contact: Terence Burns 7367404

- There are no known archaeological sites or National Register-listed properties pertaining to the following parcels: the Perdue Real Estate, Amberwood Subdivision, Wilkins Road area, Mispillion Reality, and the City of Milford Armory. However, on lands of Charles Wilkerson, the J. H. Wilkerson and Son Brickworks, which was on the property, but demolished, is in the National Register of Historic Places. With this in mind, there may be archaeological resources, on the parcel that may be associated with that structure.

Therefore, prior to any demolition or ground-disturbing activities, the developer may want to hire an archaeological consultant to examine the parcel for any potential archaeological site or archaeological resources, such as cemetery, burial site, or unmarked human remains. Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or

funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Please note that changes to the plan, could result in additional comments from the State. Additionally, the lack of comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2008 Comprehensive Plan on Tuesday, September 15, 2015 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is schedule on Monday, October 26, 2015 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, Ordinance 2015-16 may be adopted, with or without amendments.

Ordinance 2015-16
AMENDING AND ADOPTING BY ORDINANCE
THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan update, on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a Comprehensive Plan Amendment, on July 27, 2015, to amend the Comprehensive Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-11, a Comprehensive Plan Amendment, on June 22, 2015, and

WHEREAS, the Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning a third amendment to the 2008 Comprehensive Plan which will permit the future land use designation of thirteen properties to alternate land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on September 15, 2015 and did recommend approval and adoption of the third amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2008 Comprehensive Plan on October 26, 2015 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on October 26, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 5th of November 2015.

Planning Commission Review & Public Hearing: September 15, 2015

City Council Introduction: August 24, 2015

City Council Review & Public Hearing: October 26, 2015

Adoption: October 26, 2015

Effective: November 5, 2015

This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS: The comprehensive plan amendment include the following six properties:

1. Perdue Real Estate Holdings, Inc., N Rehoboth Blvd (MD-16-183.07-01-01.00; change of future land use designation from commercial to employment)
2. Crop Production Services f/k/a Amberwood subdivision, Holly Hill Rd (MD-16-182.07-01-01.00 through MD-16-182.07-01-99.00, MD-16-182.07-02-01.00 through MD-16-182.07-02-99.00, MD-16-182.07-03-01.00 through MD-16-182.07-03-23.00; change in future land use designation from moderate density residential to employment)
3. Corp Fellowship Realty, Chad Holleger, Elmer Fannin, James Cannon Jr, George & Darlene Freeman & White Oak Mobile Home Park, Wilkins Rd (3-30-15.00-053.00 through 3-30-15.00-057.00; change in future land use designation from low density residential to high density residential)
4. Charles Wilkerson, NE Front St (MD-16-183.08-01-04.00, MD-16-183.07-01-23.00; change in future land use designation from moderate density residential to employment)
5. Mispillion Realty, LLC, Old Shawnee Rd (1-30-3.00-080.02; change in future land use designation from low density residential to moderate density residential)
6. City of Milford-Armory, N Walnut St (MD-16-183.06-02-14.00; change in future land use designation from low density residential to employment)

Additional information may be obtained by contacting the Rob Pierce of the Planning Department at Milford City Hall either at RPierce@milford-de.gov or by calling 302-424-3712.

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2008 Comprehensive Plan on Tuesday, September 15, 2015 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is schedule on Monday, October 26, 2015 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, Ordinance 2015-16 may be adopted, with or without amendments.

Ordinance 2015-16
AMENDING AND ADOPTING BY ORDINANCE
THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan update, on July 11, 2011 to include the addition and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a Comprehensive Plan Amendment, on July 27, 2015, to amend the Comprehensive Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-11, a Comprehensive Plan Amendment, on June 22, 2015, and

WHEREAS, the Planning and Economic Development Coordinator have prepared and consulted with the Office of State Planning a third amendment to the 2008 Comprehensive Plan which will permit the future land use designation of thirteen properties to alternate land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on September 15, 2015 and did recommend approval and adoption of the third amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2008 Comprehensive Plan on October 26, 2015 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on October 26, 2015 and made effective as the amended 2008 Comprehensive Plan for Milford on this 5th of November 2015.

Planning Commission Review & Public Hearing: September 15, 2015

City Council Introduction: August 24, 2015

City Council Review & Public Hearing: October 26, 2015

Adoption: October 26, 2015

Effective: November 5, 2015

This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS: The comprehensive plan amendment include the following six properties:

1. Perdue Real Estate Holdings, Inc., N Rehoboth Blvd (MD-16-183.07-01-01.00; change of future land use designation from commercial to employment)
2. Crop Production Services f/k/a Amberwood subdivision, Holly Hill Rd (MD-16-182.07-01-01.00 through MD-16-182.07-01-99.00, MD-16-182.07-02-01.00 through MD-16-182.07-02-99.00, MD-16-182.07-03-01.00 through MD-16-182.07-03-23.00; change in future land use designation from moderate density residential to employment)
3. Corp Fellowship Realty, Chad Holleger, Elmer Fannin, James Cannon Jr, George & Darlene Freeman & White Oak Mobile Home Park, Wilkins Rd (3-30-15.00-053.00 through 3-30-15.00-057.00; change in future land use designation from low density residential to high density residential)
4. Charles Wilkerson, NE Front St (MD-16-183.08-01-04.00, MD-16-183.07-01-23.00; change in future land use designation from moderate density residential to employment)
5. Mispillion Realty, LLC, Old Shawnee Rd (1-30-3.00-080.02; change in future land use designation from low density residential to moderate density residential)
6. City of Milford-Armory, N Walnut St (MD-16-183.06-02-14.00; change in future land use designation from low density residential to employment)

Additional information may be obtained by contacting the Rob Pierce of the Planning Department at Milford City Hall either at RPierce@milford-de.gov or by calling 302-424-3712.

Published: Beacon, 08/05/15; Beacon, 09/16/15

National Community Planning Month *Healthy Community, Healthy People*

Dear Local Government Official:

October has been designated as National Community Planning Month. This event is an annual opportunity to highlight the many benefits of good planning and the essential role planning plays in creating communities of lasting value. This year's theme is Healthy Communities, Healthy People.

Planning helps guide how a community grows and develops. It is expected for Delaware's population to reach the 1 million people mark by year 2025 and, increase 13% by the year 2040¹. In order for your community to remain vibrant and a desirable place to live, this projected increase in population needs to be considered. Planning looks at the "big picture" and helps guide a community's current and future needs.

There are a number of ways to celebrate National Community Planning Month. One of the ways is to pass a resolution designating October as Community Planning Month. Other ways to engage your community can include:

- Host a neighborhood walking or bicycling tour
- Create a library display about planning
- Honor your Planning Commissioners during a Council meeting
- Sponsor a community photo contest
- Host a forum or lecture about your community's history
- Promote National Community Planning Month through your website, Facebook page, or other social media

Further information on National Community Planning Month can be found at <https://www.planning.org/ncpm/>. Further information on the Delaware Chapter of the American Planning Association can be found at <https://delawareapa.wordpress.com/>. Comments and questions and an electronic version of this letter and sample proclamation can be directed to our Advocacy Chair, Mary Ellen Gray, AICP, maryellen.gray@co.kent.de.us, (302) 744-2471.

Thank you for celebrating National Community Planning Month!

Sincerely,



Ann Marie Townsend, AICP
President, Delaware Chapter of the American Planning Association

¹ Delaware Population Consortium, Annual Projections, October 30, 2014

City of Milford



PROCLAMATION 2015-24 COMMUNITY PLANNING MONTH

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Milford, Delaware; and

WHEREAS, We recognize the many valuable contributions made by professional community and regional planners in the State of Delaware and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2015 is hereby designated as Community Planning Month in the City of Milford, Delaware in conjunction with the celebration of National Community Planning Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 26th day of October 2015.

Mayor Bryan Shupe

Attest:

City Clerk



Sussex County Association of Towns

P.O. Box 589 Georgetown, DE 19947

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

SUSSEX COUNTY ASSOCIATION OF TOWNS

MEETING NOTICE

NOVEMBER 4, 2015

LOCATION: Millsboro Town Center
322 Wilson Highway, Millsboro

DATE: Wednesday, November 4, 2015

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

SPEAKER: Chris Bason, Executive Director
Center for the Inland Bays

HOST: Town of Millsboro

COST: \$25.00

MENU: Fried Chicken
Baked Ham
Scalloped Potatoes
Macaroni & Cheese
Cole Slaw
String Beans
Assorted Desserts

For reservations, please call Joanne Dorey at the Town of Millsboro at 934-8171 no later than Monday, October 26th. Please make checks payable to the Town of Millsboro.

Checks can be mailed to:
Town of Millsboro
Attn: Joanne Dorey
322 Wilson Highway
Millsboro, DE 19966



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

TUESDAY, NOVEMBER 17, 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:

The DLLG is pleased to host Jennifer Cohan, Secretary of the Delaware Department of Transportation, as our keynote speaker for this meeting. Ms. Cohan is only the third woman to lead DelDOT. Prior to her appointment, she served as the Director of the Delaware Division of Motor Vehicles for eight years, and held various other leadership positions in Transportation, DNREC, and the Office of the Controller General. Ms. Cohan is an adjunct professor at Wilmington University, teaching leadership and public policy in the Masters program.

She will address current projects, priorities and future directions affecting municipalities and counties.

Next Meeting: Thursday, January 28, 2016

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN NOVEMBER 12, 2015

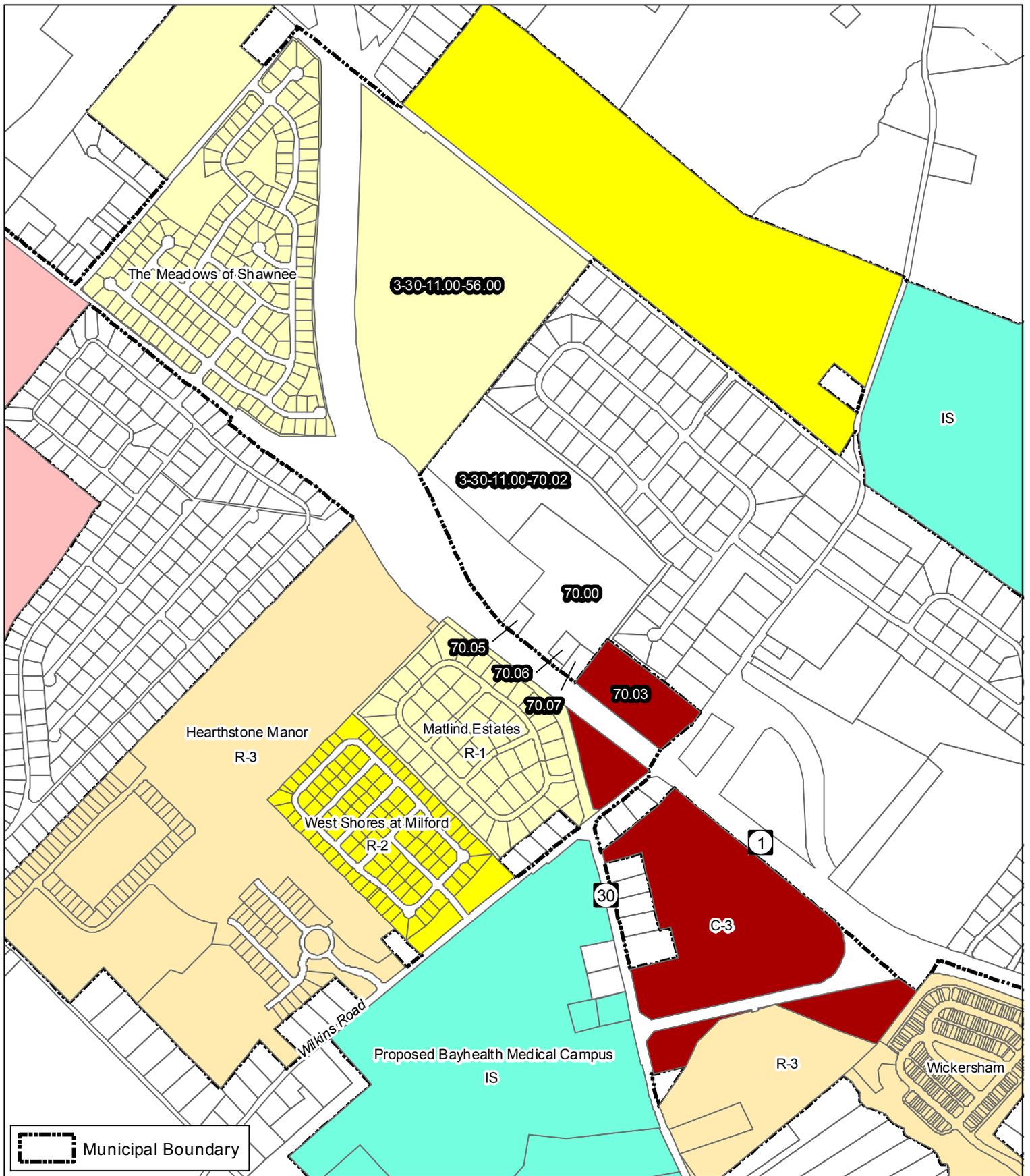
Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

_____ 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
- () Payment will be made at the door
- () Enclosed for () dinners @ \$30 each



Scale: Feet
0 500 1,000

Drawn by: WRP Date: 010/20/15

Title:

**Proposed SE Master Plan Amendment
Thawley & Mr. Wiggles Property
Location & Zoning Map**

Filepath: \GEO_PROJECT\CompPlanAmend_2015-4.mxd

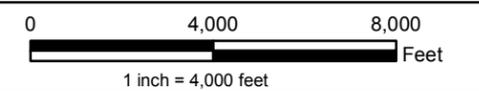
Milford Comprehensive Plan

Figure 10 Future Land Use

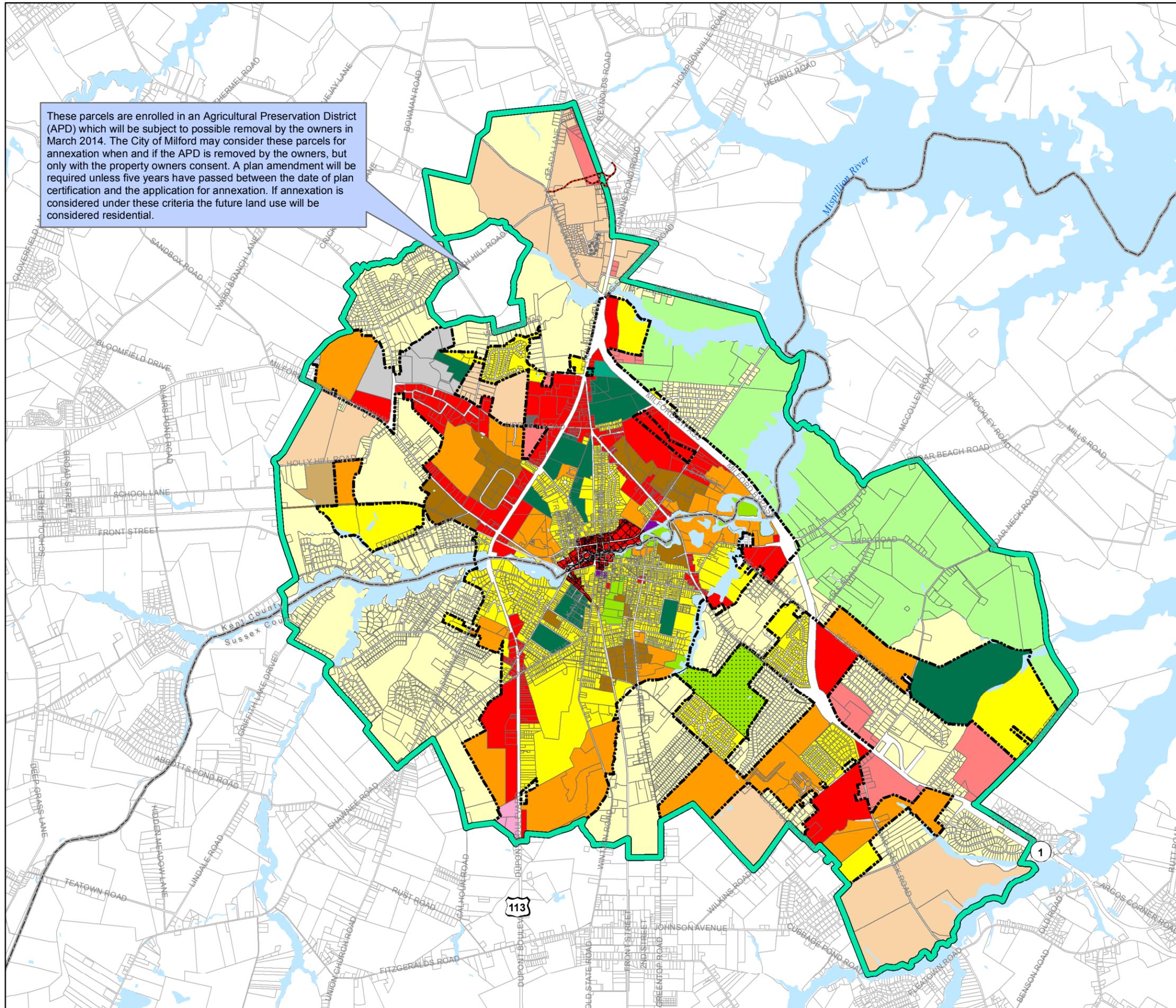
These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan amendment will be required unless five years have passed between the date of plan certification and the application for annexation. If annexation is considered under these criteria the future land use will be considered residential.

Legend

-  City Boundary
-  County Boundary
-  Urban Growth Boundary
-  Water
-  Downtown
- Future Land Use**
-  Business Park
-  Government
-  Employment
-  Highway/Commercial
-  Proposed Highway/Commercial
-  Industrial
-  Institutional
-  Low Density Residential
-  Proposed Low Density Residential
-  Moderate Density Residential
-  Proposed Moderate Density Residential
-  Open Space
-  Proposed Institutional
-  Proposed Open Space
-  Transfer Station
-  Proposed Employment
-  Privately Owned
-  Proposed Thompsonville Intersestion

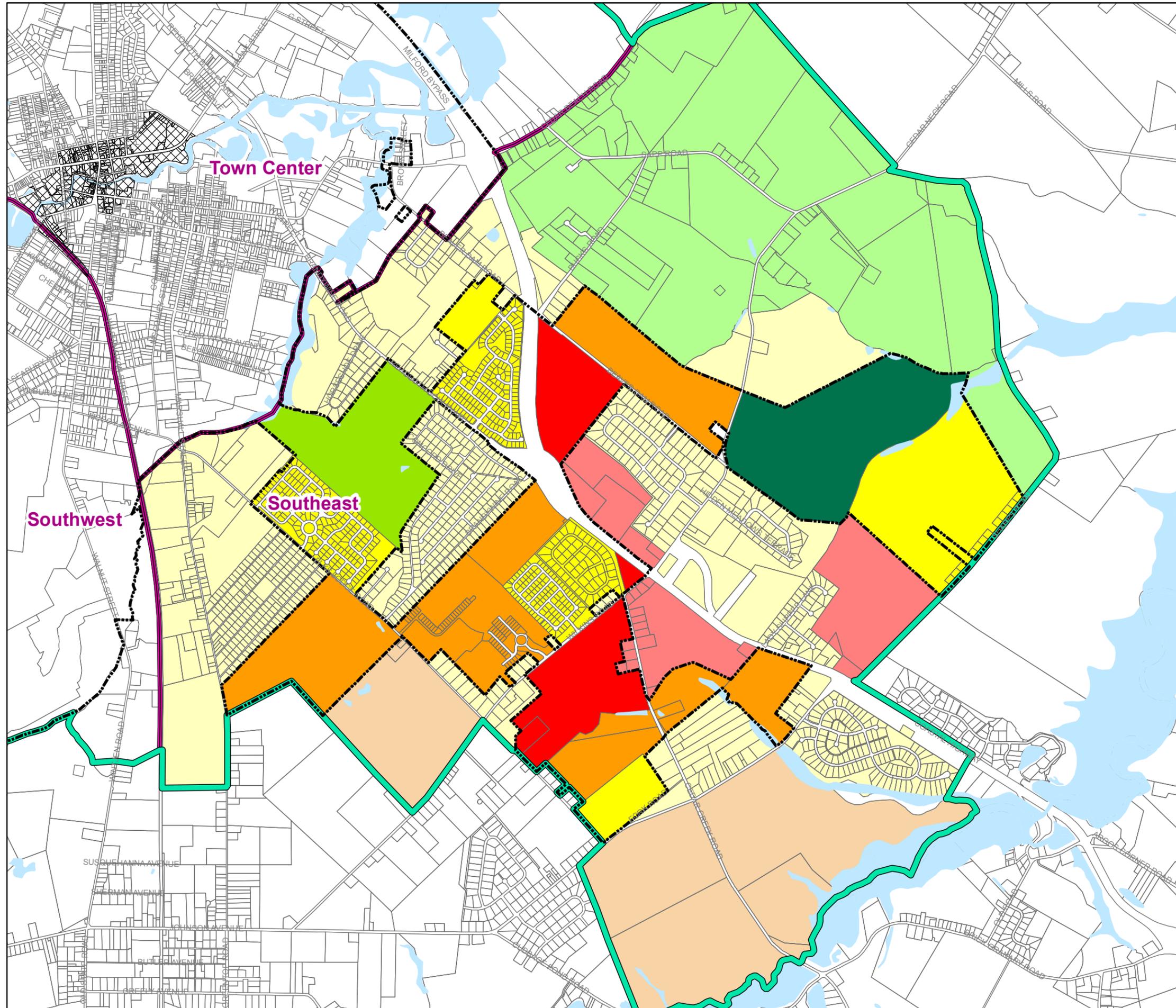


Data Sources:
 Roads - DELDoT
 State, County, Municipal Boundaries - State of Delaware
 Future Land Use - City of Milford

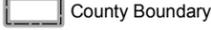
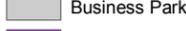
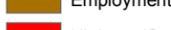
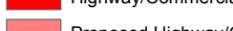
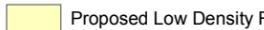
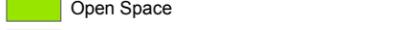
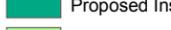
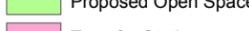
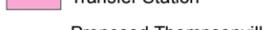


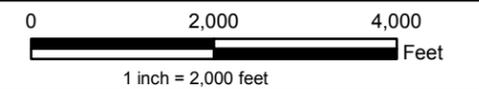
Milford Comprehensive Plan

Figure 14B Neighborhood Map - Southeast



Legend

-  City Boundary
-  County Boundary
-  Urban Growth Boundary
-  Water
-  Neighborhood Boundary
-  Downtown
- Future Land Use**
-  Business Park
-  Government
-  Employment
-  Highway/Commercial
-  Proposed Highway/Commercial
-  Industrial
-  Institutional
-  Low Density Residential
-  Proposed Low Density Residential
-  Moderate Density Residential
-  Proposed Moderate Density Residential
-  Open Space
-  Proposed Institutional
-  Proposed Open Space
-  Transfer Station
-  Proposed Thompsonville Interseption



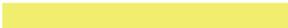
Data Sources:
 Roads - DELDoT
 State, County, Municipal Boundaries - State of Delaware
 Future Land Use, Neighborhood Boundaries - City of Milford



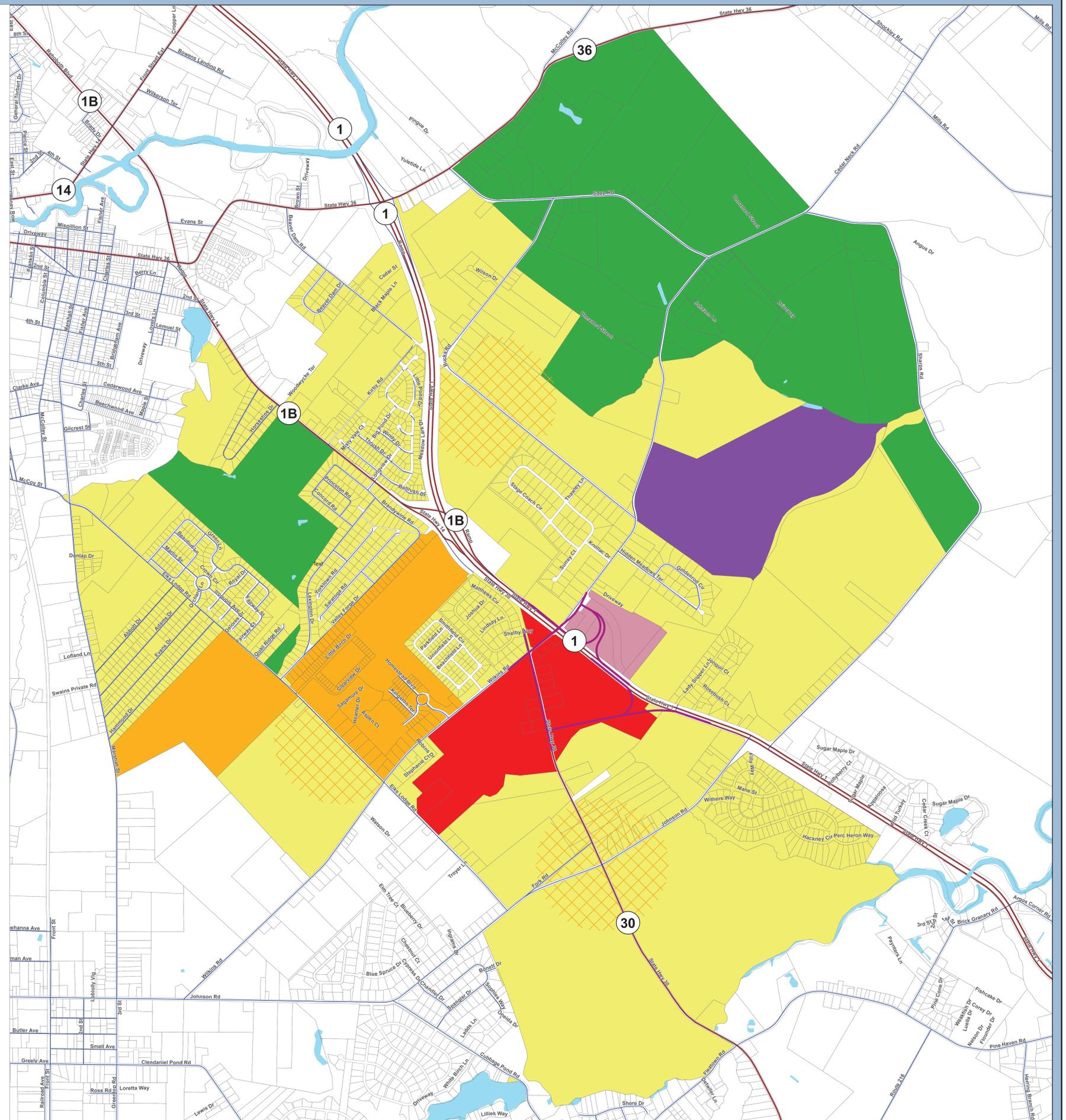
Milford South East Neighborhood Master Plan

Map #1 Land Use

Legend

-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Employment Center
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property

Map created by DelDOT Division of Planning



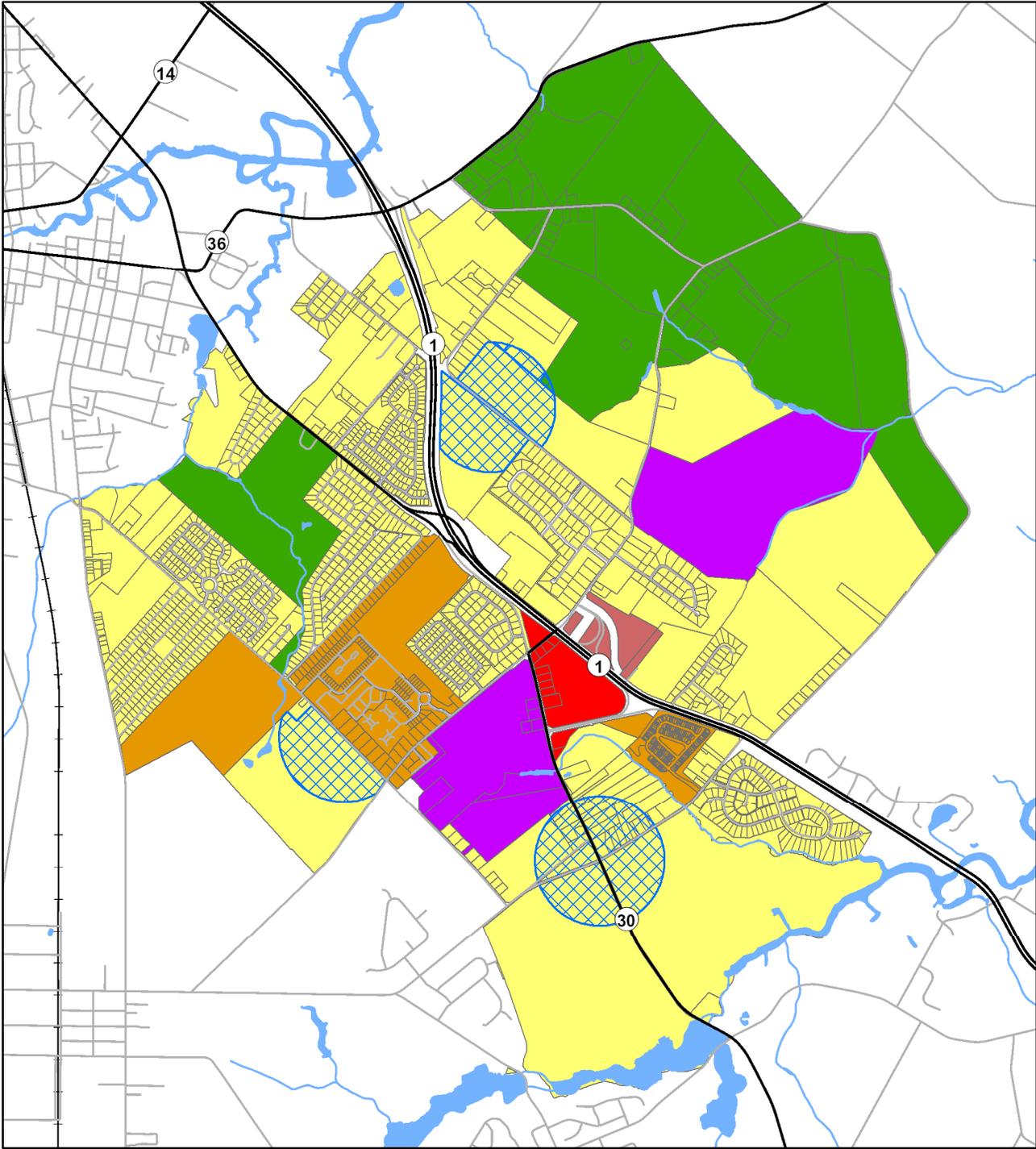
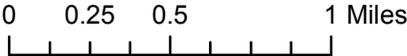
Milford South East Neighborhood Master Plan

Map #1 Land Use

Revised May 2015

Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DeIDOT Owned
- TDR Receiving Areas



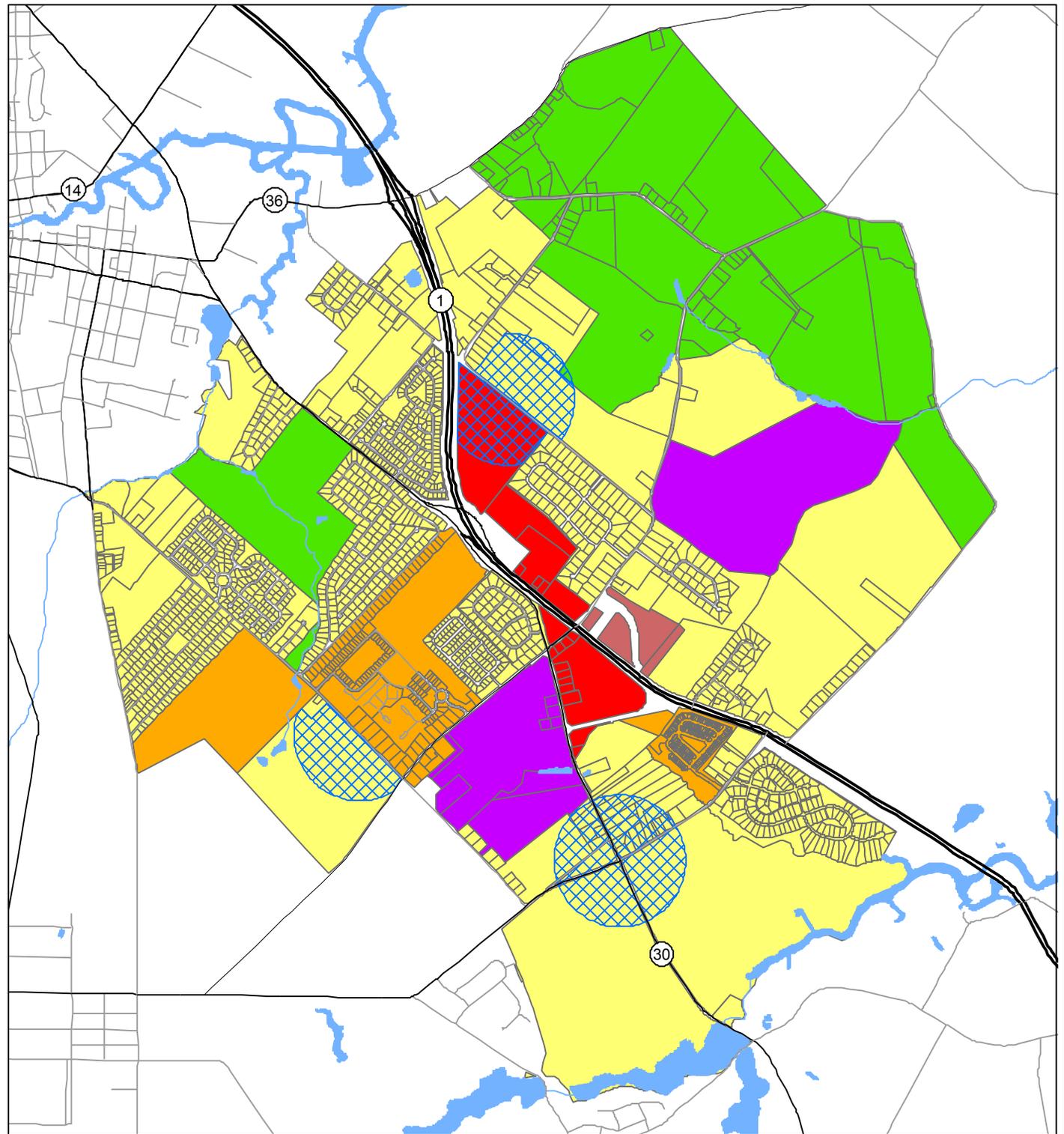
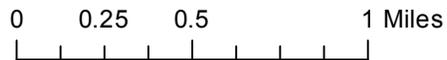
Milford South East Neighborhood Master Plan

Map #1 Land Use

Revised October 2015

Legend

- Commercial
- DeIDOT Owned
- Employment Center
- Open Space Agriculture
- Residential - High Density
- Residential - Low Density
- TDR Receiving Areas



Zoning District	Unimproved		Improved		Total		% of City	
	Count	Acreage	Count	Acreage	Count	Acreage	Count	Acreage
Garden Apartment and Townhouse (R-3)	2080	1992.95	299	302.26	2379	2295.21	38.73%	32.57%
Single-Family Residential (R-1)	157	823.15	1061	551.99	1218	1375.14	19.83%	19.51%
Residential (R-2)	446	457.94	1448	673.42	1894	1131.36	30.84%	16.05%
Highway Commercial (C-3)	71	415	187	429.64	258	844.64	4.20%	11.99%
Limited Industrial (I-1)	24	138.85	64	266.479	88	405.329	1.43%	5.75%
Institutional Service (IS)	7	369.35	0	0	7	369.35	0.11%	5.24%
Community Commercial (C-1)	9	13.25	25	157.81	34	171.06	0.55%	2.43%
Office Complex (OC-1)	19	50.671	13	74.068	32	124.739	0.52%	1.77%
Business Park (BP)	7	21.09	23	59.74	30	80.83	0.49%	1.15%
Garden Apartment and Townhouse (R-8)	1	71.9	1	7.6	2	79.5	0.03%	1.13%
General Industrial (I-2)	3	16.28	5	40.26	8	56.54	0.13%	0.80%
Institutional Development (H-1)	1	0.264	23	52.86	24	53.124	0.39%	0.75%
Central Business (C-2)	17	1.135	139	50.55	156	51.685	2.54%	0.73%
Office Building (OB-1)	7	3.041	5	5.326	12	8.367	0.20%	0.12%
					6142	7046.87		

October 23, 2015

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

Attn: Mr. Jeff Portmann
City Manager

RE: **PROPOSAL** - Engineering Services
Milford - USDA Sewer System Improvements Project Phase 1
Fisher Avenue Sewage Pumping Station Rehabilitation
DBF #052A169

*Michael R. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Gerald G. Friedel, P.E.*

Dear Jeff:

In response to our recent meetings, Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal for providing survey, engineering design, permitting, bid procurement, and construction phase services for the Fisher Avenue Pump Station Rehabilitation Project. Please note that this project is the first phase of the multi-phase USDA funded Sewer System Improvements Project.

A description of our proposed scope of services and associated lump sum or estimated fees for each portion of the work is as follows:

A. USDA FUNDING APPLICATION ASSISTANCE *(Already complete)*

We will assist the city with preparation of the USDA funding application and prepare the required preliminary engineering and environmental reports for obtaining project funding. We will also participate in any public hearings and presentations to City Council and the public in advance of the project referendum.

Lump Sum Fee: \$21,757.60

B. PRELIMINARY ENGINEERING SERVICES *(Already complete)*

Davis, Bowen & Friedel, Inc. has conducted an assessment of the existing pumping station and made recommendations for the necessary rehabilitation and upgrades including cost estimates associated with the recommended work.

Lump Sum Fee: \$4,800.00

C. ENGINEERING DESIGN, PERMITTING & SURVEY SERVICES

Our office will perform the topographic survey and engineering design services necessary to prepare construction documents for the recommended improvements. Our design will include replacement of the existing pumps, piping, valves, flow meter, emergency generator and associated electrical improvements. Also included are upgrades for bypassing the station, the installation of an odor control system, and other miscellaneous safety and housekeeping improvements. We will prepare plans and specifications for review by the City. Once reviewed, DBF will submit to DNREC and the Sussex Conservation District and will address any agency comments.

Lump Sum Fee: \$70,500.00

D. BID PROCUREMENT SERVICES

After receiving the necessary approvals, we shall publicly solicit for bids, produce and distribute construction specifications and drawings, schedule and oversee a pre-bid meeting and site visit for the contract. We will also answer contractor questions during the advertisement period, attend the bid opening, review bids received, prepare a bid tabulation and recommend approval of the lowest, responsible bidder to the Mayor and Council for award of the construction contract.

Lump Sum Fee: \$6,600.00

E. CONTRACT ADMINISTRATION SERVICES

Davis, Bowen & Friedel, Inc. will assist the City of Milford with contract administration services on the project during the construction phase of the project. Our services shall include:

- Attendance at the pre-construction meeting between the Contractor, Sub-contractors and the City.
- Conducting monthly progress meetings and issuing meeting minutes.
- Review of submittals, partial payment estimates and contractor change orders.
- Prepare punch list inspection report.
- Arrange and perform final project inspection.
- Assist the City with the preparation and processing of contract closeout documents.

The following estimated fee is based on providing contract administration services as needed over the anticipated six (6) month construction period.

Estimated Fee: \$38,800.00

Please note that the above fee is only an estimate and this fee will vary depending on the actual number of hours needed to administer the contract.

F. RESIDENT PROJECT REPRESENTATIVE (RPR) SERVICES

As required by USDA our office will provide a full-time Resident Project Representative (RPR) during the course of the construction contract. The RPR would represent both the Engineer and the City on-site, monitor construction activities and ensure conformance with the contract documents. The RPR shall also prepare and submit daily field reports on the progress of the construction activities for the days on which construction inspection is provided. A final project inspection shall be arranged and performed by our office. The following estimated fee for providing RPR services is based upon an average of twenty-eight (28) hours per week for the anticipated six month construction period.

Estimated Fee: \$58,500.00

Please note that the above fee is only an estimate and this fee will vary depending on the actual number of hours needed to oversee the project.

G. EXCLUSIONS/ADDITIONAL SERVICES

Excluded from this scope of work are services associated with the following activities. These services, if requested, can be performed by our office on an hourly basis in accordance with our attached Schedule of Rates No. 46.

- Contract Administration and RPR Services beyond the anticipated 6 month contract period.
- Construction stakeout services.
- As-built surveys and/or preparation of as-built drawings.
- Application and permit fees.

We propose to perform the above-described work under Items A-D for the lump sums listed above. Billing will be submitted monthly based on the percentage of work completed the previous month. Billing for Items E and F and any additional services, as authorized by the City, will be submitted monthly and performed on an hourly basis in accordance with the enclosed Schedule of Rates No. 46. Payment terms shall be in accordance with our attached rate schedule.

Please note that should the City approve our proposal, we will need to convert this proposal to the USDA required EJCDC E-500 format prior to execution by the City and USDA. Also, note that approval of this proposal shall be contingent on obtaining USDA concurrence.

Mr. Jeff Portmann
October 23, 2015.
Page 4

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

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

A handwritten signature in black ink, appearing to read 'Randy B. Duplechain', with a long horizontal flourish extending to the right.

Randy B. Duplechain P.E.
Principal

ACCEPTED BY:

Signature

Printed Name

Date

DAVIS, BOWEN & FRIEDEL, INC. ("DBF")
SCHEDULE OF RATES AND GENERAL CONDITIONS
 SCHEDULE NO. 46
 Effective June 1, 2015

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$170.00
Senior Architect	\$150.00
Architect	\$120.00
Senior Landscape Architect	\$150.00
Landscape Architect	\$120.00
Senior Engineer	\$150.00
Engineer	\$120.00
Construction Administrator	\$120.00
Senior Traffic Engineer	\$150.00
Traffic Engineer	\$120.00
Geologist	\$120.00
GIS Specialist	\$110.00
Senior Surveyor	\$150.00
Associate Surveyor	\$120.00
Surveyor	\$115.00
Senior Designer	\$115.00
Computer Graphics Designer	\$100.00
Designer	\$105.00
CADD I	\$95.00
CADD II	\$85.00
Computer Administrator	\$100.00
2 Man Field Crew	\$140.00
3 Man Field Crew	\$175.00
GPS Unit (1 man)	\$110.00
GPS Unit (2 man Crew)	\$150.00
GPS Unit (3 man Crew)	\$200.00
Resident Project Representative	\$80.00
Water/Wastewater Operator	\$120.00
Clerical	\$60.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

INVOICES & PAYMENT

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

TERMINATION OF CONTRACT

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

LIMITATION OF LIABILITY

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

INDEMNIFICATION

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

FORCE MAJEURE

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

CONSTRUCTION PHASE SERVICES

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

OWNERSHIP OF DOCUMENTS

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

USE OF ELECTRONIC MEDIA

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

SUCCESSORS & ASSIGNS

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

MISCELLANEOUS PROVISIONS

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

REIMBURSABLE EXPENSES

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

Michael R. Wigley, AIA, LEED®AP
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring Lardner, P.E.

Gerald G. Friedel, P.E.

October 23, 2015

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Mr. Jeff Portmann
City Manager

RE: Change Order Request - New Well No. 16
S.E. Milford Water Treatment Facility
Milford, Delaware
Project No. 0052A138

Dear Jeff:

Please find attached a proposed change order from Kuhn Construction Company in the amount of \$197,920.00. This change order is for the installation of the new 210 foot deep, 8 inch diameter water production well including a new well pump, associated piping, meter vault and electrical and control work necessary to operate the new well. As part of this change order Kuhn Construction is also requesting an additional 8 weeks of construction time be added to their existing contract to allow time for installation of the new well and control work.

As you may remember, the City contracted with our office earlier this year to install an approximately 210 foot deep test well at the S.E. Milford Water Treatment Facility site. The purpose of this test well was to determine aquifer water quality and potential yield from a possible second source of water. Results of the test well indicated water quality at that depth to be acceptable with the potential aquifer yield in the range of 125 GPM. Based on these positive results the previous city manager asked that our office prepare the necessary design documents to obtain a change order price for installation of a second production well at this site. We therefore completed the project design and coordinated with the contractor to obtain the attached change order.

Following is a breakdown of anticipated costs and remaining available project funds.

Estimate of remaining USDA project funds:	\$120,000.00
Kuhn Construction Company change order request:	\$197,920.00
DBF well design and contractor coordination: <i>(Already complete)</i>	\$7,800.00
Estimate of DBF construction administration and inspection services necessary to oversee and administer the installation of the new well and associated piping and controls during the additional 8 weeks of construction time:	<u>\$30,600.00</u>
Anticipated Project Shortfall =	\$116,320.00

As discussed, the City Public Works Department would also like to install a chain link fence around the entire tank and well facility for security purpose. We estimate the cost of this work to be in the range of \$30,000.00.

Therefore should City Council approve the above well and chain link fence work we request that they also approve the transfer of \$150,000.00 from the City's Water Reserves Account to this project to cover the anticipated funding shortfall.

Should you have any questions or need additional information, please let me know.

Sincerely
DAVIS, BOWEN AND FRIEDEL, INC.



Randy B. Duplechain, P.E.
Principal

Kuhn Construction Company

PROPOSED CHANGE ORDER

No. 00002

P.O. Box 1419
Hockessin, DE 19707

Phone: (302) 239-4344
Fax: (302) 239-2816

TITLE: Flow Meter Vault

DATE: 10/9/2015

PROJECT: S.E. Milford Water Treatment Plant

JOB: K15003

TO: Attn: Randy Duplechain, P.E.
Davis, Bowen & Friedel, Inc
23 N. Walnut Street
Milford, DE 19963
Phone: 302-424-1441 Fax: 302-424-0430

CONTRACT NO: 1

RE: To: From: Number:

DESCRIPTION OF PROPOSAL

Breakdown of PCO;
Labor - 7,408.00
Material - 16,733.00
Equipment - 3,796.00
Subcontractors - 151,991.00
10 % O&P - 17,920.00
Total - \$197,920.00

ADDITIONAL CONTRACT TIME REQUIRED FOR THIS WORK - 8 weeks

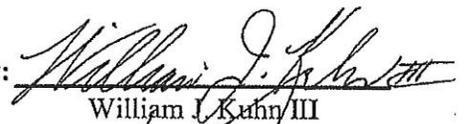
Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Furnish and install flow meter vault and well in accordance with drawings SP1 & EQ1		1.000		\$197,920.00	0.00%	\$0.00	\$197,920.00

Unit Cost: \$197,920.00
Unit Tax: \$0.00
Total: \$197,920.00

APPROVAL:

By: _____
Randy Duplechain, P.E.

Date: _____

By: 
William J. Kuhn III

Date: 10/9/15

Monthly Average Yard Waste Cost

FUEL.....1,562.40 gallons x 1.9110 (Market price as of 10/16/15) = **\$2,985.75/ Fuel per year** → **\$1.64 per customer x 2 stops per month= \$3.30**
(2,985.75/1,820 YW customers)

VEHICLE MAINT/REPAIR.....\$40,000 ÷ 12 months = **\$3,333 /Maintenance & Repairs per month** → **\$1.85**
(Annual budget amount / amount of YW customers)

NEW TRASH TRUCK.....\$157,203/3=52,401 per year depreciation → **1820 x 24=43,680 (2 pickups per month per container)**
(New replacement every 3 years, newest purchase -2014) **52,401 ÷ 43,680 = \$1.20**

REFUSE COLECTOR LABOR.....\$.5133 per stop (2 men per truck) = → **\$1.5399 per customer x 2 stops per month = \$3.10**
(Average 3 Minute Stop @ 0.2566 per man)

ADMINISTRATIVE COST.....32 hours @ \$24.86= \$795.52/Cost per month ÷ 1820 = → **\$.45**

DISPOSAL COST.....\$14,452 (annual) ÷ 1820 = → **\$7.94 per customer ÷ 12 = \$.66**

CONTAINER COST.....\$56 ÷ 84 months = → **\$.66 per stop**
(Container replacement approximately every 7 years)

APPROX. MONTHLY COST PER CUSTOMER: \$ 11.22**

Approximate yard waste customers as of September 2015**1820**

Labor Rate “Refuse Collector” Grade 3.....**\$15.40** *per hour*

Labor Rate “Administrative Asst.”**\$24.86** *per hour*

Average container cost **\$56.00**