

City of Milford



AGENDA

Council Meeting

November 24, 2014

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

7:00 P.M.

PUBLIC HEARINGS

Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2015
Adoption of Resolutions 2014-16; 2014-17; 2014-18; 2014-19; 2014-20

Matthew & Jennifer Feindt/303 Pierce Street/Minor Subdivision & Conditional Use/Parcel MD-16-183.10-04-12.00
Adoption/Ordinance 2014-07

WORKSHOP

Call to Order - Mayor Bryan Shupe

NE Front Street Overpass/Woodshaven President Emmett Venett/DelDOT Project Manager Jim Satterfield
Ordinance 2014-18/Chapter 204/Taxation/Supplemental Bills and Appeal Deadlines

Adjourn

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Introduction/Ordinance 2014-14/Chapter 165 Amendment/Parks and Recreation
Adoption/Ordinance 2014-15/Chapter 193 Amendment/Solid Waste Management
Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management
Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction
Introduction/Ordinance 2014-13/Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities
Security System Proposals/City Hall

New Business

DBF Test Well Services - SE Milford Water System Expansion Project/Wickersham Site*
FY 2014-2015 Budget Adjustment/SE Second Street Pump Station Improvements/Sewer Reserves
FY 2014-2015 Budget Adjustment/Reisinger Contract/Change Order 2/Billing Office-PNC Building
FY 2014-2015 Budget Adjustment/VoiceNet Communications/Telephone System/Billing Office-PNC Building
Acceptance/City of Milford Audit FY 2013-2014

Executive Session:

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (P&R Matter)

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

FY 2014-2015 Budget Adjustment (P&R Personnel)

Easement Issue**

Union Contract

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.**

PUBLIC HEARING

The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing on **Monday, November 24, 2014, 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. The public hearing will also include a status report for Milford's FY-14 projects.

For further information on this hearing, please contact Sussex County Department of Community Development at 855-7777 or the Kent County Department of Planning at 736-2014.

Sussex County promotes equal housing opportunity.

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State of Delaware:

County of Kent:

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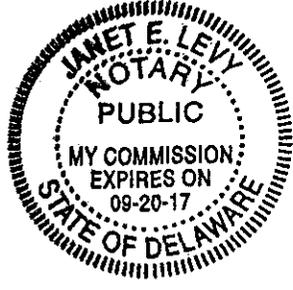
Sussex County promotes equal housing opportunity.
32702/MC/11/12/2014

Before me, a Notary Public, for the County and State aforesaid, Darel LaPrade, known to me to be such, who being sworn according to law deposes and says that he is an officer of Independent Newsmedia Inc. USA, the publisher of **The Journal and Milford Chronicle**, weekly newspapers published in Milford, Counties of Kent/Sussex, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in **The Journal and Milford Chronicle** in its issue of November 12, 2014.

Darel LaPrade

Publisher
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 12th
Day of November A.D. 2014



Janet Levy
Notary Public

Greetings!

The Delaware State Housing Authority (DSHA) is in the process of finalizing the State of Delaware FY2015 Community Development Block Grant (CDBG) Program Guidelines and Application Package. We are looking forward to your feedback on the changes we are considering this year.

The Draft FY2015 CDBG Program Guidelines and Application Package are attached and are also available for your review at the following link:

http://www.destatehousing.com/Landlords/dv_cdbg.php

DSHA will hold a public hearing to discuss the Draft FY2015 CDBG Program Guidelines and Application Package, and the housing and community development needs for DSHA's upcoming Five-Year Consolidated Plan for FY 2015 – 2019 and FY 2015 Annual Action Plan, on **Wednesday, October 8, 2014**, at the Delaware State Housing Authority conference room located at 18 The Green, Dover, Delaware from 10:00 a.m. to 11:30 a.m.

Oral and written comments will be accepted until 4:00 p.m. on **Wednesday, October 8, 2014**. Written comments may be sent to DSHA, 18 The Green, Dover, DE 19901, Attn: Andrew Lorenz. After considering the comments received, DSHA will recommend the Final FY2015 CDBG Program Guidelines and Application Package to DSHA's Director for approval. Once approved, the Final FY2015 CDBG Program Guidelines and Application Package will be available to the public on the DSHA website.

We look forward to seeing you at the public hearing. If you have any questions about the Draft FY2015 CDBG Program Guidelines and Application Package, please contact Andrew Lorenz, Management Analyst III by phone at (302) 739-4263 or via e-mail at andy@destatehousing.com.

Looking for **affordable housing**? Check out www.DelawareHousingSearch.org!



Delaware's Key to Housing Since 1968



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September 22, 2014

MEMORANDUM

TO: Eligible Communities and Kent & Sussex Counties

FROM: Andrew J. Lorenz

SUBJECT: **Draft FY15 CDBG Program Guidelines**

Attached is a draft copy of the FY15 Community Development Block Grant (CDBG) Program Guidelines, Application Package, and a Notice of Public Meeting to be published as part of the process. The Program Guidelines and Application Package have **been changed from last year as follows:**

- **Under Section I.E.2.e., all target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on January 22, 2015;**
- **Section III.A.1.a.1) has been amended, to make sure applicants update their waiting lists each year prior to submission to DSHA; and,**
- **Under Section IV. A., applications for the State's FY15 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on February 26, 2015.**

Please review this draft and submit any comments by October 8, 2014. Comments will also be received at the public meeting scheduled for October 8, 2014, at 10:00 a.m. in our conference room at 18 The Green in Dover.

If you need additional copies of the Draft Program Guidelines or application, please contact me at the Community Development Section 739-0261 or via e-mail at andy@destatehousing.com. Thank you.

ajl

Attachments

STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
DRAFT PROGRAM GUIDELINES FOR FY2015

I. GENERAL

A. Scope and Applicability

These Program Guidelines describe the Delaware Community Development Block Grant (CDBG) Program for Kent and Sussex Counties in Delaware. Funds for this program, when appropriated by the U.S. Congress, are provided in a block grant to the state by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 106 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, and in accordance with HUD rules, regulations and program memoranda.

B. Administration

The Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe, and sanitary housing to low- and moderate-income persons.

C. Program Design and National Objectives

The Delaware FY2015 CDBG Program has been designed so as:

1. to give maximum feasible priority to activities which will benefit low- and moderate-income families;
2. to aid in the prevention of slums and/or blight; and
3. to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

Each CDBG activity must be an eligible activity, and it must comply with one of the above three national objectives. Subgrantees shall ensure that the following records are maintained and kept up to date: 1) records demonstrating that each activity undertaken meets one of the national objectives; and 2) a full description of each activity carried out (or being carried out) in whole or in part with CDBG funds, including the nature and purpose of the activity, its location (if the activity has a geographical location) and the amount of CDBG funds budgeted, obligated and expended for the activity.

EXCEPT THAT the aggregate use of Title I funds received by the state during the

period of Federal Fiscal Years 2013, 2014, and 2015 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit low- and moderate-income persons. In order to comply with the 70 percent principal benefit requirement, it is further agreed that not less than 70 percent of the total FY15 CDBG Grant shall be utilized for activities that benefit low- and moderate-income persons as defined in Section I.D. of these Program Guidelines.

D. Low- and Moderate-Income Definition

1. Low- and moderate-income persons are those persons whose incomes do not exceed the income limits for lower-income families pursuant to Section 8 of the United States Housing Act of 1937 as amended, and provided to the State of Delaware by HUD in a table of income limits as set forth by dollar amount and family size. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures dated 12/18/13.)
2. Low- and moderate-income households are all persons occupying the same housing unit, regardless of their relationship to each other, whose combined incomes do not exceed the income limits described in paragraph I.D.1., above.

E. Documentation of National Objectives and Low- and Moderate-Income Benefit

1. Documentation of National Objective.
 - a. Infrastructure (public works) Activities:

For each activity determined to benefit low- and moderate-income persons based on the area served by the activity, subgrantees must maintain records containing: 1) the boundaries of the service area; and 2) a summary of the income characteristics of the persons in the service area showing that at least 51 percent of area residents are low/moderate income.

- b. Housing Rehabilitation Activities:

For each direct benefit activity determined to directly benefit low- and moderate-income persons based on the household income of those directly benefiting and where the activity involves the submission of an application or the completion of a personal record, subgrantees must maintain sufficient evidence to ensure such benefits would accrue to low- and moderate-income persons, the income limits applied, and the point in time when the benefit was determined.

Individual household incomes must be thoroughly documented to verify that they are 100 percent low to moderate income before each housing unit is provided housing rehabilitation assistance. No rehabilitation assistance shall be provided to households that are not low to moderate income, except as provided under Section III.C.2.c. of these Program Guidelines (urgent need).

Subgrantees must maintain records including the number of units to be rehabilitated, and the amount to be spent on each unit to be rehabilitated.

c. Housing Code Enforcement/Demolition:

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area must include: 1) the boundaries of the area; and, 2) a description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the requirements in 24 CFR 570.208(b)(1).

Documentation to be maintained by subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on the elimination of specific conditions of blight or physical decay not located in a slum or blighted area must include a description of how the threats to public health and safety are to be corrected.

d. Transitional Housing Construction/Rehabilitation:

For each activity determined to benefit low- and moderate-income persons because the activity involves a facility or service designed for use predominantly by low- and moderate-income persons, subgrantees shall maintain sufficient evidence to ensure that the predominant users would be low- and moderate-income persons.

e. Urgent Needs:

For each activity determined to meet a community development need having a particular urgency, subgrantees shall maintain documentation including: 1.) the nature and degree of seriousness of the conditions requiring assistance; 2.) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; 3.) information on the timing of the development of the serious condition; and, 4.) evidence confirming that other financial resources to alleviate the need were not available.

2. Target Areas

- a. Community-wide low- and moderate-income percentages are noted in Attachment B to the Program Guidelines. The list is from HUD's Low/Moderate Income Summary Data estimates for FY2013. These community-wide low- and moderate-income percentages will normally be used only for infrastructure activities such as a town well.
- b. Infrastructure (public works) activities must utilize either the community-wide low- and moderate-income figures noted in Attachment B, a survey following the methodology contained in the 7/26/06 HUD Notice CPD-05-06, "(HUD) Suggested Survey Methodology to Determine the Percentage of Low- and Moderate-Income (LMI) Persons in the Service Area of a Community Development Block Grant-Funded Activity," or the available Census data at the tract or block group level, to show that target area residents are 51 percent low/moderate income. Census maps can be found at: <http://factfinder2.census.gov>. Past surveys not utilizing the HUD methodology will not be accepted.
- c. Housing rehabilitation activities no longer have to document that the target area residents are 51 percent low/moderate income. Instead, the target area will be defined on the basis of the number of substandard dwelling units contained within its boundaries. The total number of dwelling units shall also be enumerated. Documentation of these figures shall normally be accomplished through a windshield survey. A substandard dwelling unit is defined as failing to meet the standards of the Delaware State Housing Code or the housing code adopted by the jurisdiction where the unit is located.

Where no discernible target areas exist within a community's corporate limits, the entire community may be identified as a rehab target area. The total number of dwelling units, and the number of substandard dwelling units, shall be documented as for any other target area.

d. Housing Code Enforcement/Demolition:

Unless housing code enforcement/demolition activities meet the national criteria for slum and blight, these activities require target area determinations utilizing the HUD Survey Methodology or Census data documenting a 51 percent benefit to low/moderate-income persons.

e. DSHA Pre-Approval:

All target area survey instruments, descriptions of how surveys were conducted, survey results, maps clearly indicating service area boundaries, a rationale/justification for the service area determination, and a rationale for the method used to determine low- and moderate-income benefit (if Census information is not used) must be approved by DSHA prior to the submission of an application. Census data must be used to the maximum extent feasible for determining the income of persons residing in service areas. Target areas must have at least four eligible units per target area. All target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **January 22, 2015**.

f. Service Area Determination guidance can be found at the Section titled “Determining the service area” on pages 3-9 to 3-11 of the “Guide to National Objectives & Eligible Activities for State CDBG Programs,” available from DSHA, or at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide.

g. Areas of Minority Concentration

To affirmatively further Fair Housing, DSHA will provide up to 5 points in the Application Review scoring at Section V.B.1.d. to applications that target areas having disproportionate housing needs by race and ethnicity. Areas of racial and ethnic minority concentration are defined as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the jurisdiction overall, as of the 2010 Census. In Kent County there are 8 Census tracts identified as having concentrations of Black residents, including 402.03, 405.01, 410, 412, 414, 415, 425, and 433. Kent County also has one Census tract having a concentration of Hispanic residents: 425. In Sussex County, there are five Census tracts having concentrations of Black residents: 501.05, 502, 504.06, 504.07, and 518.02. Sussex County also has four Census tracts having concentrations of Hispanic residents: 501.04, 505.03, 505.04, and 514.

F. Program Outcome Performance Measurement

On pages 11470 to 11481 of the March 7, 2006 Federal Register, HUD published a “Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs”. This Notice on Performance Measurement is to be followed in establishing and reporting outcome performance measures for each activity for FY2015. Subgrantees are required to provide proposed outcome/objective statements for each activity in their CDBG applications, and actual outcome/objective statements with indicators in their quarterly and closeout reports.

G. Affirmatively Furthering Fair Housing

In addition to typical reporting requirements, in an effort to affirmatively further fair housing, DSHA will increase monitoring and require increased reporting relative to Fair Housing issues. Eligible jurisdictions will be required to submit reports (1) detailing addresses of beneficiaries and their membership in protected classes and (2) a narrative report updating DSHA about progress on meeting objectives outlined in the Statewide Fair Housing Plan and other efforts to affirmatively further Fair Housing, such as training, outreach and new programs.

II. General Information for Applicants

A. Eligible Applicants

Eligible applicants are units of general local government in Kent and Sussex Counties, the Kent County Levy Court and the Sussex County Council.

B. Number and Type of Applications

Each unit of local government and each county government may make only one application for funds in each program year, with the exception of applications for emergency activities and infrastructure for new housing development. An application from the Kent and Sussex County Governments may include unincorporated portions of the county, as well as those incorporated areas whose governing bodies have specifically requested to be included in the county's application. Written evidence of that request must be included with the county's application. If a local government has requested to be included in a county application it may not make a separate application, except applications for emergency activities and infrastructure for new housing development submitted after the normal application deadline.

C. Activities Outside an Applicant's Boundaries

An applicant may apply for CDBG funds for eligible program activities, which are partially outside its boundaries if it can be demonstrated that these activities are appropriate to meet the applicant's needs and objectives. Such activities must be consistent with State and local law, and the county or municipality within which these activities will take place must agree to such activities.

D. Activities Within an Application

Within a single application or fiscal year, an applicant may seek funding for activities, which address more than one community development need, as long as the total does not exceed the maximum allocation of \$1,100,000. The CDBG funds requested, either by themselves or in combination with other funds, must be sufficient to complete the proposed activities. An allocation exceeding \$500,000 would have to be extremely competitive.

E. Eligible Activities

The 2015 program will provide funds to units of general local government and to counties not entitled to receive CDBG funds directly from HUD to undertake eligible approved activities, as listed in these Program Guidelines. The program is competitive in nature and it is anticipated that the demand for funds will far exceed the total amount available to the State. Therefore, eligible applicants selected for funding will be those communities and counties whose applications best address locally-determined needs of low- and moderate-income families as contained in the Delaware Consolidated Plan dated May, 2010, and which are also consistent with the 51 percent principal benefit requirement or otherwise meet one of the three National Objectives, and which meet one or more State priorities.

Applicants should be aware that proposed activities, which do not meet a State priority will be deemed unresponsive and not considered by the review panel, unless sufficient fundable activities meeting a State priority are not received by DSHA.

III. State Priorities and Set-Asides

The following are the State's priorities and set-asides for FY15 CDBG funding:

A. Maintenance of Existing Housing

1. Rehabilitation of substandard residential properties occupied by 100 percent low- and moderate-income households.

a. General

- 1) Applicants must submit a list of all residential properties to be rehabilitated, with each property identified as owner- or renter-occupied. However, local governments with current waiting lists containing at least twice the number of applicants than are proposed for assistance may simply submit a certification to that effect, without submitting the normal list of properties to be rehabilitated. **Applicants' waiting lists must be updated each year, prior to submission to DSHA. Applicants must submit pictures of the first four houses on each waiting list.**

For the FY15 program year, if rehab applicants are exhausted in targeted areas before funds are exhausted in those areas, excess funds from those areas can be transferred to other target areas. If all eligible rehab applicants are exhausted in all target areas before funds are exhausted in those areas, then the excess funds from those areas can be transferred to scattered site rehabilitation.

- 2) All residential properties receiving CDBG assistance must be rehabilitated up to the standards of the Delaware State Housing Code or the local equivalent code, except that those properties only receiving assistance under a funded Emergency Home Repair activity under Section III.A.1.g. do not need to be brought completely up to code at the time the emergency repair is completed. All CDBG applicants must include a clause in their rehabilitation contracts, which enables them to rescind the contract in the event it is determined during the course of construction that the proposed rehabilitation is not feasible due to unforeseen conditions not known at the time the contract was executed.
- 3) All applicants requesting CDBG rehabilitation assistance must have adopted and be enforcing a housing code equivalent to or more restrictive than the Delaware State Housing Code. (Municipalities may be under contract for the enforcement of the code by county government.) The CDBG subgrantee must certify that the property is up to housing code standards when rehabilitation is completed.

- 4) A ten year lien must be placed against all properties rehabilitated with CDBG funds; a five-year lien is required on properties owned and occupied by a person(s) aged 62 years or older; a five-year lien is required on manufactured housing receiving less than \$10,000 in CDBG rehabilitation assistance; and no lien will be required to be placed on properties receiving only water/sewer hookups or meter installations costing \$3,500 or less for the physical work and associated permits.
- 5) The applicant must have adopted a rehabilitation manual containing all forms and procedures to be used, including: procedures for coordinating with similar rehabilitation programs and an executed Programmatic Agreement (PA) with the National Advisory Council and State Historic Preservation Office.
- 6) Applicants may use up to 50 percent of their CDBG funds for community-wide rehabilitation. Counties proposing to use their community-wide funds in incorporated communities must obtain a resolution from that community authorizing such rehabilitation to be done.
- 7) Applicants must use 51 percent of their CDBG funds in designated DSHA-approved target areas. Subject to DSHA approval, where no identifiable smaller target areas exist, the target area requirement may be waived for a particular community.
- 8) Except in cases of emergency rehabilitation, applicants must certify that units to be rehabilitated will be insured for at least the amount and period of the rehab loan.
- 9) Local officials shall determine the suitability of providing rehabilitation assistance to any given residential property.
- 10) Applicants are encouraged to support the Statewide initiative to hire minority-, veteran- or women-owned businesses. The company must be (a) 51 percent owned by minority, Veteran and/or woman or (b) 51 percent managed by minority group, service disabled veteran/veteran and/or woman and (c) certified as a MWBE (or home state equivalent) in home state of business as for-profit business. For further information please refer to <http://gss.omb.delaware.gov/osd/index.shtml>.

- b. **Lead-Based Paint:** This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households constructed prior to January 1, 1978 receiving Federally-funded project-based assistance.
- 1) Grantees shall follow the lead-based paint regulations found at 24 CFR part 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
 - 2) In cases where evaluation or hazard reduction or both are undertaken, the subgrantee shall provide a notice to occupants in accordance with Section 35.125.
 - 3) Subgrantees must provide a lead hazard information pamphlet to all families receiving assistance living in pre-1978 housing, and obtain a signed acknowledgment from occupants that they have received the pamphlet.
 - 4) Lead-based paint inspection, risk assessments, testing, hazard reduction and abatement and treatment are eligible expenses.
 - 5) Inspection/risk assessment/testing reports must be kept by the subgrantee for a period of three years.
 - 6) The subgrantee must conduct paint testing or presume the presence of lead-based paint, in accordance with Section 35.930.
 - 7) CDBG administration funds may be used for rehabilitation subgrantee lead-based paint certification training. No matching funds are required for administrative funds used for CDBG subgrantee lead-based paint certification training.
- c. **Rental Rehabilitation of housing units occupied by 100 percent low- and moderate-income households.**
- 1) A maximum of \$15,000 per unit may be provided for CDBG rental rehabilitation.
 - 2) CDBG rental rehabilitation loans will be financed at 3 percent amortized over a period of 10 years and will not be deferred.

Exception: CDBG rental rehabilitation assistance used to provide up to 25 percent of the total cost of the work to be accomplished in conjunction with a Housing Rehabilitation

Loan Program (HRLP) loan shall be in the form of a 0 percent deferred loan forgiven after 10 years.

- 3) Only 75 percent of the rehabilitation cost may be financed by CDBG funds. The remaining 25 percent must be financed through private funds.
 - 4) The servicing of 3 percent CDBG rental rehabilitation loans shall be handled by DSHA through an agreement with a private servicing agent. The costs to DSHA of providing servicing will be reimbursed from principal and interest payments made by the owner to the subgrantee. All principal and interest for rental rehabilitation loans shall be repaid on a regular monthly schedule after completion of the work.
 - 5) All rental units financed with CDBG funds must be occupied by low- and moderate-income persons at affordable rents throughout the duration of the loan agreement. Affordable rents are defined as Fair Market Rents (FMR) published periodically by the Federal HUD Section 8 Existing requirements. See Attachment D to these Program Guidelines for the most recent figures dated 10/01/13.
 - 6) All CDBG rental rehabilitation must utilize the forms and procedures contained in Delaware CDBG Rental Rehabilitation Procedures dated November, 1990.
- d. The rehabilitation of manufactured housing occupied by 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing, except that the following additional requirements apply:
- 1) There shall be a limit of \$15,000 per manufactured home rehabilitated on rental lots. There shall be a limit of \$25,000 per manufactured home rehabilitated where the owner owns both the manufactured home and the lot it is situated on;
 - 2) The CDBG subgrantee must certify that the property will have at least 10 years of habitable life after rehabilitation is completed;
 - 3) The CDBG subgrantee must obtain documentation that the manufactured home is in place and installed in accordance with local environmental, zoning and housing/building code requirements, prior to starting work on the property;

- 4) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, the unit must have a permanent foundation in order to be eligible for rehabilitation funds. If no permanent foundation exists, then the total rehabilitation contract specifications for a unit must include the installation of the foundation. For manufactured housing situated on rental lots, the permanent foundation requirement does not apply; and
 - 5) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, and where the manufactured housing unit is beyond economical repair, the CDBG Subgrantee receiving HOME rehabilitation funds may only use HOME rehabilitation funds to replace the unit with a manufactured housing unit not more than 20 years old. All manufactured housing to be replaced must have been condemned by the applicant's code enforcement official, and the replacement unit must meet the standards of the Delaware State Housing Code or the local housing code. A ten-year lien must be placed against all properties where manufactured housing is replaced with HOME funds. For manufactured housing situated on rental lots, the replacement option does not apply.
- e. Water and/or sewer hookup of 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing rehabilitations, including the documentation of low- and moderate-income household according to the definition provided in Section I.D.2, above.
 - f. Energy Efficiency: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households. To the maximum extent feasible and cost-effective, subgrantees' work write-ups and specifications for rehab work necessary to bring the dwelling unit up to housing code standards shall require ENERGY STAR qualified products and procedures. Subgrantees shall utilize the Energy Star website directly at: <http://www.energystar.gov/> to determine the recommended energy-efficient specifications for rehabilitation and remodeling. The recommendations on these websites shall be followed for all required work and materials, including, but not limited to: windows, heating and air conditioning systems, ventilation, insulation, air sealing, water heaters, light fixtures, lighting, and doors. The CDBG subgrantee shall also coordinate its housing rehabilitation waiting lists, to the extent

feasible, with the Delaware Weatherization Assistance Program waiting list, and the waiting lists of all other agencies that offer emergency home repair programs.

- g. Emergency Home Repair of residential properties owned and occupied by 100 percent low- and moderate-income households. For the FY 2015 program year, CDBG applicants may apply for a separate Emergency Home Repair category of housing rehabilitation funds to address an emergency condition threatening the health or safety of an owner-occupied household's occupants. Emergency Home Repair is separate from emergency rehabilitation under Section III.C.2. of these program guidelines. Repairs that generally qualify as emergency home repair include: heating, plumbing, electrical, roofing, and structural problems.
 - 1) An emergency is defined as an unexpected occurrence or combination of events calling for immediate action. Unsafe electrical wiring, a non-working heater in winter, or structural conditions that are a major defect or are life-threatening and considered unsafe are examples of true emergencies.
 - 2) A minimum of \$500 and maximum of \$7,500 may be provided per home in CDBG emergency home repair assistance.
 - 3) Homeowners must meet all eligibility requirements to participate in the program.
 - 4) A five-year lien must be placed against all properties receiving more than \$5,000 in CDBG emergency home repair funds.
- 2. Housing code enforcement in areas of slum and blight (as defined in state regulations) or which benefit an area of at least 51 percent low- and moderate-income persons. (Also note Section I.E.2.d.)
 - a. Applicants proposing housing code enforcement activities must certify that they will maintain during the period of the CDBG contract, in addition to their expenditures for carrying out any program assisted with CDBG funds, a level of expenditures for code enforcement activities at not less than their normal expenditures for such activities in the year prior to the execution of the CDBG Contract.
 - b. Applicants requesting CDBG assistance for code enforcement

must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.

3. Demolition of substandard structures in areas of slum and blight (as defined in state regulations) or which benefit 51 percent low- and moderate-income persons on an area or spot basis. Applicants for demolition funds may use up to 50 percent of such funds for community-wide demolition.
 - a. All structures to be demolished must have been condemned by the applicant's code enforcement official. Applicants requesting CDBG assistance for demolition must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
 - b. Demolitions to be accomplished with the voluntary consent of the owner and at the discretion of the community, must be in the form of a permanent 0 percent deferred loan, that is not forgivable, unless new housing constructed on the property becomes exclusively: 1) owned and occupied as the principal residence(s) of low/moderate-income household(s); or, 2) rented by low/moderate-income household(s) for a period of at least ten years.
 - c. For non-voluntary demolitions, the governing body of the applicant must provide evidence that it has exhausted other available legal procedures to secure remedial action by the owner of the structure(s) involved, that demolition action is required, and that it has the legal authority to demolish the structure(s).
 - d. The applicant requesting CDBG assistance for non-voluntary demolitions must agree to place a tax lien on the property so that monies expended for razing, demolition, and removal of eligible structures or part(s) thereof, may be collected in the same manner as other real estate taxes. All such monies recovered shall be deemed to be program income.
 - e. Demolition liens, whether in the form of a 0 percent deferred loan, or a real estate tax lien, may be subordinated to a new mortgage on the property if the property is sold or transferred for the purpose of low/moderate-income housing. The lien will then continue in the original form until such time as the property is converted to a use other than for the purpose of

low/moderate-income housing, at which time the lien will be required to be repaid; or, until such time as the property is actually used to house low/mod-income household(s) as described in Section III.A.3.b., above, at which time the lien will be forgiven.

4. Construction or rehabilitation of emergency/transitional/permanent supportive housing serving of at least 51 percent low- and moderate-income limited clientele.
 - a. Applicant must provide evidence that the construction or rehabilitation will benefit at least 51 percent low- and moderate-income persons. This evidence must demonstrate that at least 51 percent of daily normal users of the facility are principally low- and moderate-income persons.
 - b. Applicant must certify that it will not charge any fees for accessing such assisted facilities so as to have the effect of precluding low- and moderate-income persons from obtaining said access.
 - c. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook.
 - d. No such activities will be funded unless additional funding has been secured for the provision of services which are complementary to the programmatic purpose of the activity.
 - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested such as building codes, insurance, and the State architectural accessibility standards prescribed by the State of Delaware Architectural Accessibility Board.
 - f. If the facilities to be assisted are publicly owned, the facilities must be nonresidential buildings which are not used for the general conduct of government such as "city halls, county administration buildings, state capitol or office buildings, or other facilities in which the legislative or general administrative affairs of government are conducted." (Section 102 (a)(21) of the Act); and which meet the requirements of 24 CFR 570.200 (5)(b).

- g. If the facilities to be assisted are privately owned by a nonprofit organization, the organization must meet the requirements of 24 CFR 570.204 (c)(1), and be operated so as to be open for use by the general public during all normal hours of operation and otherwise meet the requirements of 24 CFR 570.200 (5)(b).
 - h. The applicant must comply with all restrictions and limitations regarding the use of CDBG funds by nonprofit organizations which are church-related found at 24 CFR 570.200(j).
5. Relocation assistance as required under the Uniform Relocation Act, Delaware Code, and 24 CFR 570.
 6. Substantial reconstruction of housing occupied by 100 percent low- and moderate-income households.

A unit of general local government may use CDBG funds to reconstruct residential structures (i.e. rebuild the structure on the same site) having a low- and moderate-income owner/occupant and consisting of one dwelling unit if either:

- a. The need for the reconstruction was not determinable until after rehabilitation on the structure had already commenced; or
- b. The housing that is being reconstructed is part of a neighborhood rehabilitation effort in which the unit of general local government is carrying out or proposes to carry out housing rehabilitation activities, and the housing to be reconstructed would otherwise be a part of the housing rehabilitation in that neighborhood; and the unit of general government determines:
 - 1) That the housing to be reconstructed is unsuitable for rehabilitation based upon severe structural deficiencies and an estimated cost of rehabilitation of \$25,000 or more;
 - 2) The estimated cost of reconstruction is at least 20 percent less than the estimated cost of purchasing comparable newly constructed housing (including land) located in that neighborhood or in a comparable neighborhood of the unit of general local government; and
 - 3) The estimated cost of the reconstruction is less than the

fair market value of the reconstructed housing and land based on an appraisal obtained before reconstruction.

- c. The unit of general local government shall document the basis for each of the determinations noted above.
 - 7. Provision of housing-related services in conjunction with activities noted above. Such housing-related services could include: training in housekeeping, fair housing and homeownership counseling, and other housing-related services not provided by other social service agencies, but that support the programmatic purpose of the activities noted above.
 - 8. Set-aside: 60-90 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Existing Housing set aside will be dependent upon the quality and type of applications received in FY14.
- B. Infrastructure benefiting at least 51 percent low- and moderate-income persons

The following activities in support of this State priority for low- and moderate-income persons are eligible:

- 1. Definition of infrastructure: The installation or improvement of water systems, sewer systems, streets, storm drainage systems, sidewalks. This includes all related activities such as engineering, land surveys, site acquisition (for housing development), planning studies, relocation assistance, etc.;
- 2. Architectural/engineering studies for infrastructure directly related to housing development, including feasibility studies, site tests and soil borings;
- 3. Preparation of grant applications to other grantor agencies;
- 4. Acquisition of land for new housing development, in accordance with the requirements of the Uniform Relocation Act of Delaware Code;
- 5. Clearance and site preparation for new housing development for low- and moderate-income persons;
- 6. Installation or improvement of infrastructure benefiting service areas of at least 51 percent low- and moderate-income persons, including: water, sewer, streets, sidewalks;

7. Planning studies, including comprehensive plans and zoning ordinances, which clearly by their intent and design, encourage the provision of affordable housing for low- and moderate-income persons; and
8. For items 1-7 as applicable above:
 - a. The applicant must provide evidence that it will provide a minimum cash or in-kind match for each activity, as described below. Cash matches may be provided through other sources of funding for the same activity;

Infrastructure Match Requirements

<u>Total Activity Cost</u>	<u>Cash Match</u>	<u>or In-Kind Match</u>
Up to \$100,000	10% of Activity	15% of Activity
\$100,000+ to \$199,999	15% of Activity	20% of Activity
\$200,000+	20% of Activity	25% of Activity

- b. Applicant must provide evidence that at least 51 percent of the persons benefited by the activity are in fact low- and moderate-income persons;
- c. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds. The term special assessment is defined to mean a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties;
- d. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
- e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested.

9. Set-aside: 10-40 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Infrastructure for Housing Development and Maintenance set-aside will be dependent upon the quality and type of applications received in FY14.
- C. Emergency activities (water, sewer, housing rehabilitation and demolition), which have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet such needs.
1. For emergency water and sewer activities:
 - a. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds;
 - b. The nature, degree of serious and immediate threat must be documented by letters from appropriate agencies such as the State Division of Public Health, DNREC, State/local fire officials, etc.;
 - c. The serious and immediate threat must be of recent origin or recently became urgent, that is, the condition developed or became critical within 18 months of a certification that must be made by the applicant in its application;
 - d. Applicant must certify and document that it is unable to finance the construction of these facilities without CDBG funds. Such documentation shall include: (a) if appropriate, letters from other grantor agencies such as the Department of Natural Resources and Environmental Control, Department of Transportation, Division of Public Health, etc., confirming that funds were not available; (b) appropriate financial statements showing the lack of local funds; and (c) a financial analysis of why the activity is not feasible through use of other methods of local funding such as the proceeds of general obligation bonds, special assessments, etc.;
 - e. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
 - f. The applicant must certify that it will obtain all necessary

permits and will comply with all federal, State and local standards and regulations that pertain to the type of activity requested.

2. For emergency rehabilitation and demolition:
 - a. Required as a direct result of a natural disaster, such as a tornado, flood, hurricane, or similar catastrophe;
 - b. State has made a formal request to the Federal Emergency Management Agency for preliminary damage assessment and/or for which federal disaster assistance has been officially sought by the State;
 - c. At the discretion of the DSHA Director, rehabilitation assistance may be provided to persons not of low/moderate income when the need for such assistance is clearly documented;
 - d. Emergency rehabilitation and demolition activities will only be provided to cover losses not covered by insurance; and
 - e. Both emergency rehabilitation and demolition assistance will utilize the same liens and contracts as used for regular rehabilitation and demolition programs.
3. Set-aside: 0-7 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the emergency activities set aside will be dependent upon the quality and type of applications received in FY14.

D. Administration

1. At least 50 percent of the administrative cost of the activity(ies) must be provided by the local funds of the applicant.
2. Matching Requirements

These local funds may be drawn from local operating appropriations, nonprofit organization funds, proceeds of general obligation revenue bonds or other funds expended for the same purpose as the CDBG funds are expended. Any costs incurred by the applicant for activities that directly benefit the CDBG activity and meet the requirements of OMB Circular A-87 may be used to meet this match requirement. However, these funds must be spent in the same consecutive twelve-month period as the CDBG funds. For the purpose of this match

requirement an applicant is considered to be: (a) a county's application for its unincorporated areas; (b) incorporated areas applying on their own; or (c) incorporated areas under a county's application.

3. Administrative Costs Limits

Administrative costs allowable to participating units of general local government under the CDBG Program shall be governed by the matching requirement in Paragraph 2. above, the contract budget and by the federal requirement that the State and its CDBG subgrantees are limited to an aggregate amount of administrative costs that represent twenty percent of the State's total grant from HUD in any given federal fiscal year. It should be noted that the total amount of CDBG funds available for administration in FY14 may be less than the amount currently allocated, depending upon the number and quality of applications received, and the amount of funding allocated by HUD. The maximum allocation for all administrative and program delivery costs for any single applicant shall not exceed **\$162,000** in any program year. Applications shall provide the salaries of all program administration personnel to be funded through CDBG funds. DSHA may separate rehabilitation specialists' salaries from general administration costs and allocate funding for those salaries as rehabilitation program delivery costs.

IV. Application Submission

A. Submission Date

Applications for the State's FY14 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **February 26, 2015**. Applications for emergency activities and infrastructure for housing development will be considered at any time during the program year, subject to the following conditions: sufficient unallocated CDBG funds must be available to fund the activity(ies); assuming the availability of CDBG funds, a review panel will be convened to evaluate such proposals as well as those activities which were not originally recommended for full funding; and the need for CDBG funds must have arisen after the application deadline and be required for immediate use. **ONE SIGNED ORIGINAL AND ONE SIGNED COPY of the application must be submitted.**

B. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms and questionnaires as may be applicable to the specific proposed activity.

C. Documentation and Certifications

Application for CDBG funds must include all such documentation and certifications as may be prescribed in these Program Guidelines and in the application instructions prescribed by DSHA.

D. Program Performance Period

All applications for 2015 funds shall be to finance CDBG-eligible activities that shall be initiated after July 1, 2015, and completed no later than June 30, 2016.

V. Application Review

A. DSHA Staff

1. The DSHA staff will review all applications for completeness and to determine whether the applications meet the minimum threshold requirements for all applications.
2. If the assessment by the DSHA staff indicates that an application fails to meet any of the applicable threshold requirements, and the applicant has not provided the requested information to make the application complete, DSHA staff will prepare a report on each such application and submit it to the Director of DSHA. If the Director of DSHA agrees with the assessment by DSHA staff, the application will be considered unresponsive. Such applications will not be forwarded to the review panel(s) referred to below, but will be returned to the applicant with a reason for the rejection. Any application that has been assessed as unresponsive shall be precluded from any further consideration in the FY14 CDBG Program, unless it is modified after July 1, 2015 to meet the threshold requirements for activities having a particular urgency or infrastructure for new housing development, and provided it falls within the requirements for a request for "recaptured/remaining funds" after July 1, 2015 as specified in Section VI.D. of these Program Guidelines.
3. It is essential that the amount of CDBG funds requested in each application be reflected in a budget which is both reasonable and realistic, and which conforms with all the requirements for such budgets contained in these Program Guidelines and the instructions for CDBG applications. Because of this, DSHA staff may, after determining that an application has met all the applicable threshold requirements, enter into direct negotiations with an applicant to reach agreement on any budgetary modifications that should be made before the application is presented to the review panel(s) that will evaluate the proposal(s).
4. The DSHA staff shall provide the review panel(s) with a separate staff report on each application that will at a minimum include the following:

- a. Certification that the application/applicant has met all applicable threshold requirements, including evaluation of low- and moderate-income benefit;
- b. Certification that the proposed budget represents a realistic/reasonable budget which conforms to all applicable instructions and policies;
- c. The conformance of the proposed activities to the goals and objectives of the Delaware Consolidated Plan; and
- d. An evaluation of the applicant's capacity, and past performance under the CDBG Program.

B. Review Panel(s)

1. The review panel(s), composed of persons with the appropriate background and experience, shall evaluate each proposed activity, based upon the following criteria. A maximum total of 100 points may be received by an application.

- a. Low- and Moderate-Income Benefit (Provided by DSHA staff): Applications showing a greater benefit to low- and moderate-income persons for similar activities will be rated higher than those showing a lesser benefit to low- and moderate-income persons. Up to 25 points as follows:

- (1) 90-100% L/M = 25
- (2) 80-89% L/M = 20
- (3) 70-79% L/M = 15
- (4) 60-69% L/M = 10
- (5) 51-59% L/M = 5
- (6) 0 -50% L/M = 0

- b. Management Capacity (provided by DSHA staff): Each applicant's management capacity for each of the activities proposed will be evaluated on the basis of the most recent monitoring report(s), current or proposed staff qualifications, progress achieved in completing its current CDBG Program (if applicable), and most recent audit report(s) (if applicable). Up to 5 points as follows:

- (1) outstanding = 5
- (2) above standard = 3
- (3) standard = 1
- (4) below standard = 0 (no allocation)

- c. Cost/benefit of Activity: Each proposed activity will be evaluated on the basis of the following factors. Up to 70 points as follows:

- (1) severity of need, including the number, percent and geographic concentration of low/moderate-income families; number, percent and geographic concentration of substandard housing; number, percent and geographic concentration of housing needing public facilities; emergency status:

<u>Points</u>	<u>Need</u>
1	not documented
8	moderate
15	severe

- (2) holistic impact of activity, meaning, the degree (percentage, from Section IV. B. and C. of application) to which the identified need(s) for the activity(ies) is/are proposed to be addressed:

<u>Points</u>	<u>Impact</u>
1	low
8	moderate
15	high

- (3) cost reasonableness, meaning, the reasonableness of the proposed program activity costs taking into account construction estimates and the availability of other resources:

<u>Points</u>	<u>Cost/Reasonableness</u>
1	low
8	moderate
15	high

- (4) leveraging of other resources, meaning extent to which other firm, committed funding sources are identified:

<u>Points</u>	<u>Other Resources</u>
1	minimal or no match
8	moderate match
15	significant match

- (5) suitability/feasibility of work plan, meaning the extent to which the applicants proposed scope of work will realistically be accomplished within the next fiscal year:

<u>Points</u>	<u>Plan Feasibility</u>
1	poor
3	fair
5	good

- d. Targeting Areas of Minority Concentration: Applications showing a greater benefit to areas of minority concentration (see Section I.E.2.g.) for similar activities will be rated higher than those showing a lesser benefit to areas of minority concentration. Up to 5 points as follows:

<u>Points</u>	<u>Minority Targeting</u>
1	poor
3	fair
5	good

- e. An oral presentation by the applicant to the review panel will supplement the application scores and serve as a factor in the panel's final decision.

2. Review Panel Recommendations

DSHA staff will prepare a summary evaluation of all applications received, which will include the scores for each proposed activity as described in V.B. above, and a descriptive summary of the review panel's comments and recommended priorities for funding.

C. Director of DSHA

The Director of DSHA will make the final decisions on allocating CDBG funds, based upon the review panel(s) recommendations and any additional relevant information obtained subsequent to those recommendations. Such additional information will only be considered if it reflects a substantive change in the application review criteria noted in Section V.B.1. above.

D. Allocations

Allocations to specific activities will be based on approved contract budgets. The maximum allocation for any single applicant shall not exceed \$1,100,000 in any program year. Applicants should be aware that a total of approximately \$2,000,000 is expected to be available for program activities. An allocation exceeding \$500,000 would need to be extremely competitive.

VI. Additional Funding

A. Program Income Returned to Unit of Local Government

- 1. Program income means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds allocated by the State in a contract with a unit of general local government.
- 2. The use of program income is subject to all the applicable requirements of federal law, HUD regulations and program memoranda, and the general requirement of these Program Guidelines, which are consistent with said law, regulations and program memoranda. Additionally, the specific requirements

for Program Income as are contained in the State's Financial Handbook shall also apply.

3. Program income retained by the unit of local government will:
 - a. be added to funds committed to the activity and used to further the same program activity as the income was derived;
 - b. not be used to pay administrative costs; and
 - c. be expended before additional funds are drawn down from DSHA for the same activity.
4. Program income not authorized for retention and expenditure by the unit of local government will be returned to the State.

B. Program Income Returned to the State of Delaware

Section 104(i) of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, authorizes States to distribute program income when such income has been returned to the State. Program income returned to the State shall be disbursed to communities under open CDBG Contracts prior to making additional draws from the U.S. Treasury. The funds thus freed up shall be allocated in accordance with Section VI.D. below.

NOTE: Program income generated by CDBG rental rehabilitation loan repayments is considered program income of the unit of local government, even though such repayments are made directly back to DSHA through its loan servicing agreement. All such program income will be distributed to the appropriate unit of local government in accordance with the provisions of Section VI.A. above.

C. Reallocated/Supplementary Funds

Reallocated funds are those HUD has recaptured from a Small Cities subgrantee and "reallocated" to Delaware. If Delaware should receive any "reallocated funds" from HUD for distribution as part of the FY14 CDBG Program, these funds shall be allocated in the same manner and under the same conditions as described in Section VI.D. below. Supplementary funds are those funds that HUD may award to the State after July 1, 2015, and shall also be allocated in the same manner and under the same conditions as described in Section VI.D. below.

D. Recaptured/Remaining Funds

1. Recaptured funds are those CDBG funds which remain unobligated after a CDBG contract has either been closed out or terminated; or after it has been determined that the total amount of CDBG funds originally allocated in a given contract are not required to complete the proposed activity for which they are allocated.

Remaining funds are funds for which a method of distribution was contained in a prior year's Program Guidelines, but which have not been, and are no longer intended to be so distributed. Remaining funds may also be an amount left over after the state has awarded all of its contracts, but the left over amount is too small to fund an application.

2. Recaptured/remaining funds that shall be received from its recipients by June 15, 2015, shall be included as part of the FY2015 allocations in accordance with all applicable requirements of these Program Guidelines.
 3. Recaptured/remaining funds that shall be received from its recipients after June 15, 2015 shall be set aside for the following purposes:
 - a. To provide additional funding for any activity already under contract so long as the total amount of funds allocated does not exceed the \$1,100,000 maximum allocation for any single applicant; in those cases where an unforeseen situation may have arisen after the original contract budget had been approved (the burden of proof will rest with the applicant); or when the activity has not been funded in the total amount originally requested;
 - b. To fund emergency activities and infrastructure for housing development that were not previously submitted as part of the FY2015 CDBG Program and the need for which may have arisen after the deadline for FY 2015 applications has passed. The \$1,100,000 maximum allocation of CDBG funds for any single applicant in any program year shall apply;
 - c. At the discretion of the Director of DSHA, eligible applications not originally recommended for funding because of limited resources may be reconsidered for funding after approved activities noted in (a) and (b) above have been funded; and
 - d. The priorities for distributing funds under this part shall be in accordance with the state's method of distribution found in Section V.
- E. Combining Other Funding to Comprehensively Address Rehabilitation Needs
- A. Again in FY14, greater emphasis will be given to applications, which take a holistic approach to community development through comprehensively combining all funding sources, one community at a time. DSHA expects applications responsive to this change in emphasis to combine smaller CDBG funding requests with HPG funding in target areas. Where these other sources of funding are used to comprehensively address rehabilitation needs and to lessen the demand on CDBG rehabilitation funding, greater consideration will be given to CDBG infrastructure requests. As a result, rehabilitation needs will be comprehensively addressed, more CDBG funds will be available for infrastructure activities, and community development needs in general will be holistically addressed. In the scoring of applications, strong emphasis is given

to leveraging, and, leveraging funds must be shown and identified in activity budgets. Letters of commitment signed by a majority of the board/council committing the match, and including the source of the match, must accompany any applications claiming to have matching funds.

VII. Waivers of Policy

The Director of DSHA may waive any requirement of these Policies not required by federal/state law or federal regulation, whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Delaware CDBG Program. Waivers shall be made in writing, citing the policy provision to be waived, the authority for the waiver, and be supported by documentation of the pertinent facts. Where only a portion of the policy provision is to be waived, the waiver must expressly limit itself to that portion.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS
(EFFECTIVE 12/18/13)

	<u>Kent County</u>			<u>Sussex County</u>		
	30% of Median	Low	Moderate	30% of Median	Low	Moderate
1 Person	\$13,600	\$22,650	\$36,250	\$13,100	\$21,850	\$34,950
2 Person	\$15,550	\$25,900	\$41,400	\$15,000	\$25,000	\$39,950
3 Person	\$17,500	\$29,150	\$46,600	\$16,850	\$28,100	\$44,950
4 Person	\$19,400	\$32,350	\$51,750	\$18,700	\$31,200	\$49,900
5 Person	\$21,000	\$34,950	\$55,900	\$20,200	\$33,700	\$53,900
6 Person	\$22,550	\$37,550	\$60,050	\$21,700	\$36,200	\$57,900
7 Person	\$24,100	\$40,150	\$64,200	\$23,200	\$38,700	\$61,900
8 Person	\$25,650	\$42,750	\$68,350	\$24,700	\$41,200	\$65,900

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

Attachment B to the Delaware CDBG Program Guidelines

LIST OF LOW/MODERATE-INCOME BENEFIT FIGURES
IN KENT AND SUSSEX MUNICIPALITIES (FY2013 HUD LMISD)

<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>	<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>
07250	Bowers	42.1%	60290	Rehoboth B.	26%
10760	Camden	30.1%	64320	Seaford	50.5%
14660	Cheswold	58.7%	64840	Selbyville	43.6%
15440	Clayton	33.5%	67050	Slaughter B.	40.9%
21387	DAFB Housing	54.7%	67700	S. Bethany	12.3%
25840	Farmington	36.6%			
26620	Felton	35%			
28440	Frederica	49.4%			
33120	Harrington	53.5%			
33250	Hartly	51.9%			
36760	Houston	40%			
39100	Kenton	51.7%			
41700	Leipsic	45.5%			
42870	Little Creek	44.6%			
44430	Magnolia	32.1%			
47420	Milford	47.5%			
67310	Smyrna	44.1%			
74330	Viola	26.3%			
80830	Woodside	31.4%			
81350	Wyoming	25.8%			
05690	Bethany Beach	18.5%			
05820	Bethel	35.3%			
06730	Blades	55.7%			
08680	Bridgeville	55.6%			
18950	Dagsboro	38.9%			
20380	Delmar	55.3%			
20900	Dewey Beach	19.6%			
24020	Ellendale	44.7%			
26880	Fenwick Island	21.3%			
28310	Frankford	49.6%			
29090	Georgetown	54.9%			
31560	Greenwood	47.8%			
33900	Henlopen Acres	9.2%			
41310	Laurel	55.8%			
41830	Lewes	24.7%			
47420	Milford	47.5%			
47940	Millsboro	53.8%			
48200	Millville	35.5%			
48330	Milton	46.6%			
53920	Ocean View	24.8%			

Attachment C to The Delaware
CDBG Program Guidelines

CERTIFICATIONS BY APPLICANTS
FOR
THE DELAWARE CDBG PROGRAM

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);

- 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2010 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

"...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..."
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
 - (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1 (a)(3) and carry out this responsibility in accordance with the "Overview of Environmental Review Procedures" issued for the Delaware CDBG Program and dated July 1989; and meet the requirements of 24 CFR Part 58 and 24 CFR 570.604; and
 - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
 - (f) The program will be conducted and administered in compliance with:
 - (1) Title VI of the Civil Rights Act of 1964 (Pub. L 88-352) and implementing regulations issued in 24 CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);

- (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
- (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the State review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
- (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
- (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
- (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
- (10) The labor standards requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
- (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
- (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
- (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
- (14) Section 106 of the National Historic Preservation Act of 1966, as amended via the Advisory Council on Historic Preservation's Regulations, Protection of Historic and Cultural Properties (36 CFR 80);
- (15) The provisions of the Hatch Act, which limits the political activity of employees; and

- (16) The lead-based paint requirements of 24 CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with the HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.
- (i) It will give HUD, DSHA, the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts.

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY14 Program Guidelines shall govern the use of the assistance provided by the State to local government units in FY14-FY15.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, who are not persons of very low income.

- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Signature of Authorized Official Date

Title of Official

Attachment D to the Delaware
CDBG Program Guidelines

DSHA-35

**SECTION 8 EXISTING FAIR MARKET RENTS
AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

I. FAIR MARKET RENTS - (Revised 10/1/13)

KENT COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
600	768	910	1,274	1,608	364

SUSSEX COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
603	616	834	1,138	1,325	333

II. CONTRACT RENT ANNUAL ADJUSTMENT FACTORS FOR UNITS WITH NO
TURNOVER - (Effective 5/22/13 - Revised 5/22/13)

HIGHEST COST UTILITY		
	Included	Excluded
Southern Region	1.026	1.024

NOTE: The Annual Rent Adjustment Factors shown above may be used by investors/owners after the first year of the rehabilitation loan. However, the rents charged by investors/owners may not exceed the current Fair Market Rents for the duration of the loan.

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
FY15 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, DUNS number, and EIN number of Applicant:

B. Name, position and signature of Person Submitting Application:

Signature and Date:

C. Application on behalf of:

--

Name and position of authorizing official:

Signature and Date:	

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

--

F. Summary of Request:

(Attach cost breakdown for each activity requested on page two. Activities must be in order of priority).

Total Units/Low-Moderate Income Units Served: _____/_____
Total CDBG Program Funds Requested: \$ _____
Total Cash Matching Funds: \$ _____
Total In-Kind Match Value: \$ _____
Total Program Cost (if different from amount requested) \$ _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
Cash Matching Funds: \$ _____
CDBG Cost/Unit: \$ _____ In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

(Attach additional pages as necessary.)

II. Low/Moderate-Income Benefit:

LOW/MODERATE-INCOME BENEFIT TABLE – INSTRUCTIONS

The amount of benefit to low- and moderate-income persons must be calculated for each activity, as described below:

1. In column 1, list the activity.
2. In column 2, show the total number of persons that the activity will serve.
3. In column 3, show the number of low- and moderate-income persons that the activity will serve.
4. In column 4, divide column 3 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
5. In column 5, show the amount of funds requested for the activity.
6. In column 6, multiply column 4 by column 5 to show the amount of those funds that will be used to benefit low- and moderate-income persons.
7. List the source of data used to calculate benefit in the space provided at the bottom of this page. If a local survey was conducted, briefly summarize the survey method used and attach a copy of the survey instrument. (DSHA should be contacted before the survey is conducted to assure that the acceptable survey methodology is being used, or that prior surveys are still valid.)

LOW/MODERATE-INCOME BENEFIT TABLE

1. Activity	2. Total Persons Activity Will Serve	3. L/M Persons Activity Will Serve	4. % L/M Persons Activity Will Serve	5. Amount Requested For Activity	6. Amount L/M Benefit

Source of Data:

III. Management Capacity

- A. List the person(s) to be responsible for administering the CDBG Program, and title(s):

<u>CDBG Personnel</u>	<u>Title(s)</u>

- B. Attach resumes or other supporting documentation for the personnel of new applications and new CDBG Program managers, which establishes the capacity of the personnel above to effectively manage a CDBG Program. **Attach the salaries of all program administration personnel to be funded through CDBG funds.**
- C. If the applicant proposes to contract out any portion of its administration, a copy of the proposed subcontract **must be** attached.
- D. Past performances under the Delaware CDBG Program will be evaluated by DSHA based upon past monitoring reports, audit findings, and timely completion of contracts. No additional documentation is required of the applicant under this section.

IV. Application Work Plan

Each proposed program activity must address each of the following areas. Failure to specifically address any of these elements will make the application incomplete, forcing DSHA to consider the application unresponsive.

- A. Each program activity must be addressed separately. Program activities must be listed in order of priority with the program activity of highest priority first. This order of priority for program activities must be followed on all forms contained in this application.
- B. Each program activity must be fully described. For rehabilitation programs, this description must include THE NEED FOR THE PROPOSED ACTIVITY, the numbers of units to be rehabilitated, any special population groups the rehabilitation program will address, the target area, the NUMBER OF UNITS NEEDING REHABILITATION ASSISTANCE, THE PERCENTAGE OF UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, AND THE PROPOSED OUTCOME.
- C. For public infrastructure projects, a detailed description of the work to be accomplished, the need for the proposed activity, the target area, the linear footage of what type and size of infrastructure to be provided, the NUMBER OF UNITS NEEDING INFRASTRUCTURE ASSISTANCE, THE PERCENTAGE OF THE UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, THE PROPOSED OUTCOME, the location of what type and size of land acquisition, the matching funds to be provided, and the population groups to be addressed must be provided.
- D. Provide a timetable showing monthly milestones for completion of each activity. All FY15 Contracts will commence on July 1, 2015 and terminate on June 30, 2016.
- E. Attach maps indicating target areas.
- F. Attach drawings, plans, or other documentation necessary to describe program activities.
- G. Describe each activity's conformance with the goals and objectives of the Delaware Consolidated Plan.
- H. Describe the extent to which the proposed project(s) will result in a measurable concrete reduction of one or more significant problems identified in the Delaware Consolidated Plan.
- I. Describe the extent to which the project builds upon previous work or supplements other work that will be funded from other sources.

- J. Analyze the reasonableness of total cost in view of the cost benefit(s) to be achieved.
- K. Describe source and amount of any funds used to leverage the CDBG portion of the project. Indicate when these funds will be available. Attach documentation of any match.
- L. Describe any in-kind resources to be applied to the project. Attach documentation of any match.
- M. Attach documentation of any match. Matching resolutions must be signed by a majority of Board/Council members and must include the source of funds.
- N. For infrastructure projects, a description of why the jurisdiction is unable to pay for the activity without CDBG assistance.

V. Each application should also describe the following:

- A. Describe any plans for the provision of housing for existing residents and anticipated growth for the area;
- B. Describe any plans for the provision of adequate sites with supporting infrastructure for future housing, including housing for low/moderate-income residents of the area; and
- C. Describe any efforts to coordinate with businesses regarding the development of the community as it affects low/moderate-income residents of the area.

VI. Application Submission

1. Submission Date for the FY15 CDBG Program

Applications for the state's FY15 CDBG Program must be received in DSHA's office at 18 The Green, Dover, Delaware 19901 no later than **4:00 p.m on February 26, 2015** ONE SIGNED ORIGINAL AND TWO COPIES of the application must be submitted.

2. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms as may be applicable to the specific proposed activity.

VII. Additional Requirements

- A. Re-Use Plan.
- B. Rehabilitation Manual.
- C. Target Area Approval.
- D. Boards and Commissions Reporting Form.
- E. Form HUD-2880 (Disclosure/Update Report).

STATE OF DELAWARE
 DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM – PROJECT COST SUMMARY

CONTACT PERIOD – FROM: _____ TO: _____

Summary of Program Activities
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG/HOME PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A.				
B.				
C.				
D.				
E.				
F.				
G.				
H.				
I.				
J.				
TOTAL PROG. ACTIVITY COST				
II. ADMINISTRATION				
A. SALARIES				
B. OTHER EMPLOYMENT COSTS				
C. TRAVEL				
D. CONTRACTUAL SERVICES				
E. SUPPLIES & MATERIALS				
TOTAL ADMINISTRATION COSTS				
III. <u>TOTAL PROGRAM COSTS</u>				

NOTES:

1. * Denotes Cash Match
2. ** Denotes In-kind Match
3. List Sources of Each Match Amount on Additional Page

CERTIFICATION BY APPLICATIONS
FOR
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
 - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2010 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...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...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
 - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
 - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
 - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
 - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
 - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
 - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
 - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
 - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
 - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
 - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
 - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
 - (15) The provisions of the Hatch Act, which limits the political activity of employees;
 - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).

- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following “special condition” is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD’s final regulations related thereto, which supersede or are not provided in the FY15 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY15-FY16.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Date

Signature of Authorized Official

Title of Official

- A. The following exhibits should be attached to the application, as applicable, in order noted below:
1. Authorization for “on behalf of” applications.
 2. A copy of the notice of public hearing and summary of comments received.
 3. Activities Under the Existing Housing Set Aside:
 - a. Rehabilitation:
 - 1) Copy of rehabilitation manual;
 - 2) Re-use plan for program income generated by rental rehab;
 - 3) DSHA target area approval attached;
 - 4) Identification of amount of funds and number of units to be accomplished in approved target areas and community-wide; and
 - 5) Identification of mobile home units to be rehabilitated including number owner-and/or renter-occupied.
 - b. Demolition:
 - 1) Amount of funds and units to be accomplished in approved target areas and community-wide identified; and
 - 2) Re-use Plan for program income from demolition liens attached.
 4. Activities Under Infrastructure Project Set Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis
 - 3) Letters from community or appropriate agencies documenting commitment and source of matching funds.
 5. Activities Under Emergency Project Set-Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating that condition developed or became critical within 18 months of application; and
 - 3) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis

City of Milford



RESOLUTION 2014-16 Sussex County

Council Member Pikus 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 24th DAY OF NOVEMBER 2014.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Council Members

Garrett Grier, III Owen Brooks, Jr.
Christopher Mergner Douglas Morrow
S. Allen Pikus James Starling, Sr.
Dirk Gleysteen 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 2014-17 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.

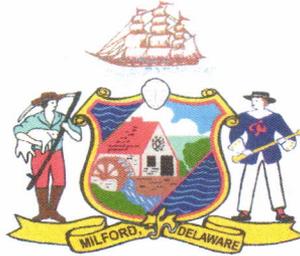
The City of Milford has held a Public Hearing on November 24, 2014 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

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

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2014-18 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

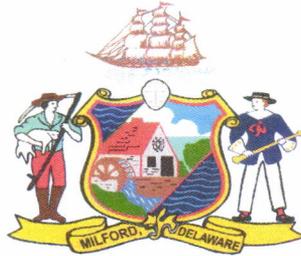
BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 24, 2014.

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2014-19 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 2014 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 2015 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 November 24, 2014.

Mayor Bryan W. Shupe

Attest _____

City of Milford



RESOLUTION 2014-20 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 November 24, 2014.

Mayor Bryan W. Shupe

Attest _____

City of Milford



PUBLIC NOTICE CITY OF MILFORD CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, July 28, 2014 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, to take final action upon the matter of:

Matthew and Jennifer Feindt for a Conditional Use to allow a single family semidetached dwelling in an R2 District, a Final Minor Subdivision on 0.25+/- acres at 303 Pierce Street, a reduction in front yard setback to 18.5' on Pierce Street, and a reduction in front yard setback to 17.5' on NE Second Street, Milford, Delaware. Tax Map MD-16-183.10-04-012.00

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call me at 302.424.3712 extension 308.

By: Christine Crouch
Deputy City Clerk

033114, 061114

Feindt Minor Subdivision/Conditional Use Project History

Project Description: This project is a proposed minor subdivision/conditional use. The applicant is proposing to subdivide a 10,827 ft² corner lot located at the corner of Pierce and Second Streets. The property is zoned R-2 and the applicant wishes to construct a semi-detached residential building. This is a conditional use in the R-2 zone. The building will result in two (2) separately owned single-family units. The property line which will subdivide the existing parcel will subdivide the two (2) single family units. This will facilitate separate ownership.

May, 2014:

- The application was forwarded to the City's planning and engineering consultant, Davis, Bowen & Friedel on **May 5, 2014**. The application included an application for a request for two (2) variances. The applicant was seeking relief from the required minimum front yard setback of 30 feet and the minimum required corner lot area of 6,500 ft². The applicant was proposing a minimum front setback of 18 ½ feet along Pierce Street and a corner lot area of 6,068 ft².
- The consultant submitted review comments on **May 8, 2014**. The review pointed out that an additional variance would be required. A corner lot requires a minimum front setback of 30 feet on each street frontage. The applicant was proposing a front setback along Second Street of 17 ½ feet.
- The project was considered by the Planning Commission on **May 20, 2014**. The Commission voted to recommend approval of the minor subdivision with the recommendation that the lot size variance be granted. The Commission then recommended approval of the conditional use with the following conditions:
 1. There is a party wall between the two units
 2. There is to be separate fee ownership of the two units
 3. The setback variance(s) has (*have*) to be granted by the Board of Adjustment
 4. It (*the project*) must meet all code criteria for duplexes
- The requests for variances for the minimum required front setbacks and corner lot area were considered by the Board of Adjustment on **May 22, 2014**. The Board approved the variances for the requested reduction to the Pierce Street front setback and the corner lot area. The requested reduction to the Second Street front setback was conditionally approved pending recommendation from the Planning Commission and approval from Council.

July, 2014:

- The revised plan was submitted to the City's consultant on **July 11, 2014**. The consultant forwarded review comments to the City on **July 15, 2014**. The review comments noted that two additional variances would be required. The maximum lot coverage for the conditional use is 30%. The applicant was proposing a lot coverage for the interior lot of 45%. The minimum lot width for the conditional use is 40 feet. The applicant was proposing a lot width of 39.2 feet for the interior lot.
- The Planning Commission considered the project again on **July 15, 2014**. The Commission recommended approval of the 17 ½ foot front setback on Second Street and they recommended approval by the Board of Adjustment of the proposed interior lot coverage and the proposed interior lot width.

September, 2014:

- The requests for reduced interior lot coverage and lot width were considered by the Board of Adjustment on **September 11, 2014**. The Board approved both requests.



Land Use Application Cover Sheet

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

Date Stamp: **MAR 31 2014**

File Number: 14-207

RECEIVED

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted if violations exist or if any fees owed the City are delinquent.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner: <u>Feindt, Matthew & Jennifer</u>			Phone: <u>302-745-0793</u>
Address: <u>4330 Big Stone Beach Rd.</u>			Cell: <u>"</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>mattfeindt@aol.com</u>			
Applicant Name and Company: <u>Matt Feindt</u>			Phone:
Address: <u>Same</u>			Cell: <u>Same</u>
City: <u>Same</u>	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer: <u>Bob Nash</u>			Phone: <u>302-422-7327</u>
Address: <u>634 Abbott Drive</u>			Cell: <u>302-462-0555</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>rnash551@comcast.net</u>			
Site Address: <u>303 Pierce St.</u>		Zoning: <u>R2</u>	
Tax Map & Parcel Number (s): <u>5-16-18310-04-1200-0001</u>		Acreage: <u>0.25</u>	
Brief Description of Proposal: <u>Conditional use for duplex; final minor submission.</u>			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner: <u>Matt Feindt</u>		Date: <u>3/31/14</u>	
Signature of Applicant: <u>Same</u>		Date:	

REVISED: 01.2014



Conditional Use Application

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

Date Stamp: **MAR 31 2014**

File Number: 14-207

RECEIVED

Applicant is seeking a Conditional Use, per the Code of the City of Milford:

Chapter 230-10, titled Residential District, section C Conditional Uses, subsection Single-family semidetached dwelling., which states:

A Land Use Application for a Conditional Use is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property, including the tax map and parcel number.
- 3. A written summary of the proposal, including the goals of the proposal, the section(s) of the City of Milford Code which require approval of the application, and the relationship of the arrangement of building and other structures, parking and landscaping to those goals and to development and use of adjoining properties.
- 4. A written description of the proposed use of the site, including hours of operation, number of employees, and any proposed storage or use of hazardous materials, if applicable.
- 5. A summary table of project statistics, including site area, building coverage, impervious surface, required and proposed parking, etc.
- 6. Thirty-eight folded copies of a site plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
 - A. Date, scale and north arrow;
 - B. Existing and proposed right-of-ways and improvements;
 - C. Existing natural features;
 - D. Existing and proposed utilities;
 - E. Existing and proposed structures and other improvements;
 - F. The location of parking for the proposed use;
 - G. All structures, natural features and other improvements on abutting property.
- 7. A landscaping plan showing existing and proposed landscaping, fencing and buffering.
- 8. Application fee. \$700

For Staff Use ONLY	
Verified	Waived
cc	
cc	
	cc
	cc
cc	
cc	
	cc
cc	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: [Signature] Date: 3/31/14
 Signature of Applicant: [Signature] Date: _____

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	NA	05-20-14	06-23-14	n/a
Contact				
Applicant				

REVISED: 01.2014



Final Minor Subdivision Application

CITY OF MILFORD

File Name: Feindt, Matthew & Jennifer

MAR 31 2014

File Number: 14-207

RECEIVED

Proposed Subdivision Name: _____

I/We wish to subdivide our lot(s) as follows :

2 # of lots and 2 # of units; consisting of

0 # of commercial units and 2 # of residential units

A Land Use Application for a final minor subdivision is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing. Once an application is deemed by Planning staff to be complete, the application will be scheduled for the required meetings.

FINAL MAJOR SUBDIVISION CHECKLIST

REQUIRED ITEMS (The applicant is to indicate with a check that each of the items below is included. If an item is not applicable, indicate N/A.)

- I. Land Use Application Cover Sheet.
- II. Agency approvals, including but not necessarily limited to:
 - A. DeIDOT for entrance and utility construction permit (where applicable).
 - B. Kent or Sussex County Conservation District.
 - C. Fire Marshal for site.
 - D. State Office of Drinking Water.
 - E. DNREC for sewer and for wetland and/or tax ditch disturbance where applicable.
 - F. U.S. Army Corps of Engineers for jurisdictional determination and approval for wetland disturbance, where applicable.
 - G. Kent or Sussex County 911 Addressing for street names.
 - H. City Departmental final subdivision approval. *Feas. Study*
 - I. A final copy (or copies) of any required easement(s).
 - J. A copy of the final Public Works Agreement.
 - K. A final copy of any deed restrictions and restrictive covenants proposed by the subdivider.
- III. Fifteen folded copies of final subdivision plans, including the record plat (1 copy no smaller than 24" x 36" and 14 copies no larger than 11" x 17"). All plans to be signed and sealed by the engineer; the title sheet shall be signed by the owner and developer, or the owner/developer; and the wetlands certification to be signed by the certified wetlands delineator.
- IV. A CD with all of the above information saved in pdf format, except that deed restrictions and restrictive covenants shall be saved in Word format. If the property is newly annexed, provide a copy of the legal description of the boundary in Word format.
- V. Application fee. *\$400*

For Staff Use ONLY	
Verified	Waived
<i>cc</i>	
	<i>cc</i>
<i>cc</i>	
<i>cc</i>	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: *Matthew Feindt* Date: *3/31/14*

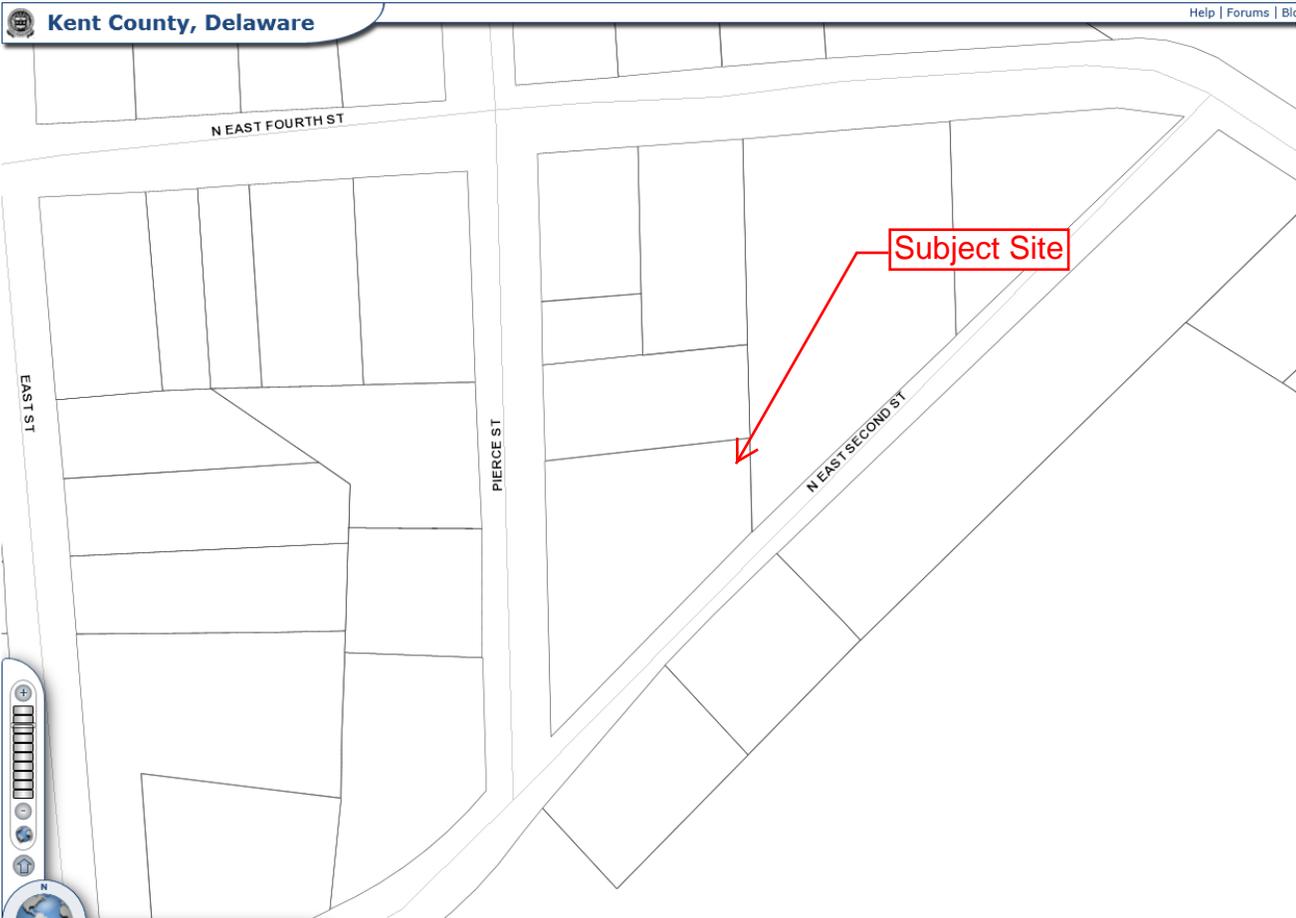
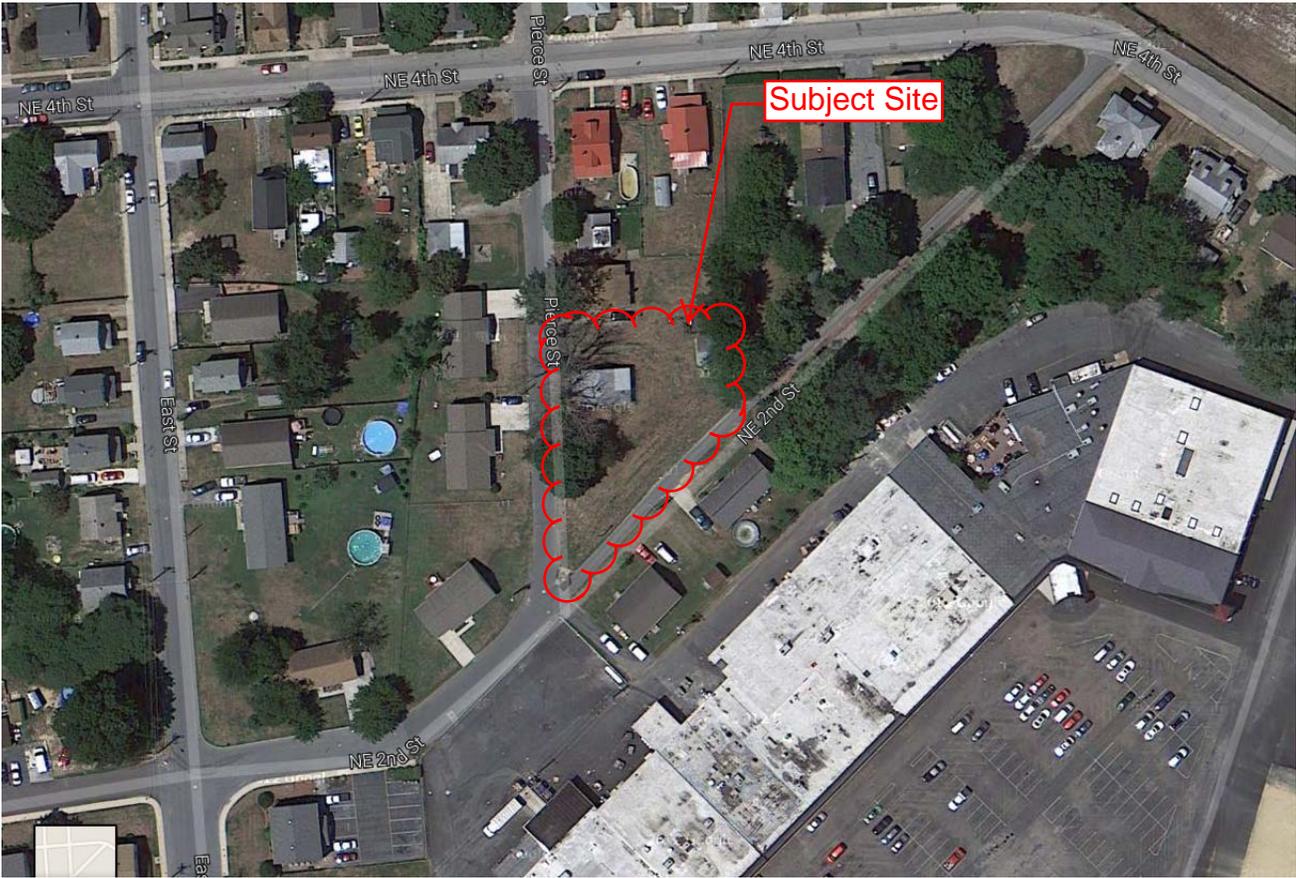
Signature of Applicant: *same* Date: _____

Signature of Surveyor or Engineer:

Date:

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner	n/a	05-20-14	06-23-14	n/a
Contact				
Applicant				

REVISED: 01.2014



CITY OF MILFORD
BOARD OF ADJUSTMENT
MINUTES OF MEETING
May 22, 2014

A meeting of the Board of Adjustment was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on May 22, 2014

PRESIDING: Chairman Frank Bason
IN ATTENDANCE: Keith Gramling, Brendon Warfel
ALSO: City Solicitor David Rutt, Deputy City Clerk Christine Crouch

Mr. Bason called the meeting to order at 10:01 am followed by the pledge of allegiance.

Applicant: Zurzolo, Joseph & Karen
Owner: Zurzolo, Joseph & Karen
Location: 919 SE Front Street
Tax Map: 3-30-7.17-108.00
Area of Petition: .23 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article VII-Miscellaneous Provisions, §230-42 Fences of the City of Milford Code as described below:

§230-42 Fences. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.

Applicant is seeking to install a 40' long section of 8' tall fencing, 40' from the roadway.

After Mrs. Crouch explained the reason for the variance application, Mr. Joseph Zurzolo, the property owner, was sworn in. Referring to the site plan, Mr. Zurzolo explained he would like to install an 8' tall fence approximately 40' from front property line in order to achieve privacy since the house sits about 3.5' from grade therefore a 6' tall fence would still allow neighbors to see inside the first floor. The additional 2' of fencing blocks the sight line into first floor windows of the house. The fence will then reduce in height to 6' and will end approximately 2' from the rear property line.

Mr. Bason questioned what exactly the privacy issue is at this location. Mr. Zurzolo explained if someone stands in the driveway of the adjacent property they can see directly over a 6' tall fence right into the windows of the house because the first floor sits roughly at the same height as the council table and with everything being elevated that 3.5' or so, someone can look over a 6' tall fence into the house. If the house was on grade without a basement there would be no privacy issue with a 6' tall fence. Mr. Bason asked if there is a fence at the rear of the property to which Mr. Zurzolo replied it is chainlink fence and a tree line. The neighbor to the rear is Warfel Construction, so the trees are sufficient.

Mr. Warfel confirmed no comments from neighbors were received.

When asked by Mr. Bason if this is a mixed use area, Mr. Warfel replied technically yes.

Mr. Zurzolo stated the fence will be constructed of white vinyl PVC, solid panel.

Mr. Bason called for public comments and hearing none, closed the public hearing.

Mr. Warfel made a motion to approve the application as submitted because the height of the house creates a special practical difficulty. Mr. Bason seconded the motion. Motion carried following a poll of the Board.



Applicant:	Feindt, Matthew & Jennifer
Owner:	Feindt, Matthew & Jennifer
Location:	303 Pierce Street
Tax Map:	MD-16-183.10-04-012.00
Area of Petition:	.25 +/- Acres
Zoning District:	R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:

§230-10G(2) For single-family semidetached dwellings separately owned:

- (a) Minimum corner lot area shall be 6500 square feet.**
- (e) Minimum front building setback line shall be 30 feet.**

Applicant is seeking a corner lot area of 6068 square feet.

Applicant is seeking a minimum front building setback line of 18.5 feet.

Mr. Bason requested Mrs. Crouch explain the application. Mrs. Crouch explained Mr. Feindt is seeking a variance from the area regulations for an R2 district to allow a corner lot square foot area of 6068 sq ft and a variance to allow a front setback line of 18.5' along Pierce Street. The application was reviewed by the Planning Commission on May 20, 2014 for a recommendation on the conditional use, which is required for a duplex in an R2 district, and a minor subdivision. The minutes of that meeting were included in the packet for the Board, however as a summary the Commission recommended approval of the conditional use and minor subdivision provided the application receives the variances from the Board for the lot area and front setback. Once approval is received from the Board, the application will be heard by City Council for a final determination for the conditional use and minor subdivision.

Mrs. Crouch referred to the May 20, 2014 minutes where Mr. Adkisson, with Davis, Bowen & Friedel, whom reviewed the application on behalf of the City, explained Chapter 230-43 requires a corner lot to have two front setbacks which would require a 30' front setback from NE Second Street as well, which was not applied for. The code does allow for a reduction or relief in front setbacks if existing homes within 200' of the project have setbacks that are less than the required

setback. At the time of the Planning Commission meeting, those neighboring property setbacks within 200' were unknown. The remainder of the issues Mr. Adkisson noted during the Planning Commission meeting were minor in nature.

Also at the Planning Commission meeting Mr. Rutt noted Chapter 200-6 which allows the applicant to request waivers from the code and City Council has the authority to grant those waivers upon recommendation from the Planning Commission.

Two neighbors submitted comments regarding this application; one in favor and one with several questions. Copies of those comments were provided to the Board.

Mr. Robert Nash, the applicant's surveyor, was sworn in. He explained the application is seeking relief in setbacks and lot square footage. The Planning Commission recommended conditional approval based on receiving approval from the Board. Final approval will be next with City Council.

He tried everything he could to design the duplex to fit on the lot and make the area square footage work however because it is a triangular shape lot, it just would not work. Mr. Nash did check the houses within 200' of this property and they measured 10' and 15' from the property line. Essentially the applicant is asking for variance so the duplexes can be built. They will be very attractive buildings, as can be seen by other duplexes Mr. Feindt owns. It will certainly not detract from the neighborhood. There are existing duplexes in the area as well. Mr. Nash is aware of the comments from Mr. Watilo who owns properties across the street.

Regarding the five questions Mr. Watilo posed, Mr. Nash provided the following answers:

1. Is this duplex on one lot or on two lots being combined?

Answer: There will be two lots with a separately owned duplex on it. The property line separating the lots will also be the party wall of the duplex.

2. Why is there a need to push the building 18 feet closer to the street when you could actually do a wrap around driveway in front of the duplex utilizing that space for parking rather than on the sides of the buildings? There is no street parking as you know and no curbs. Having a building 18 feet from the street will tend to narrow the feel of the entire street corridor.

Answer: The location of the structure on the lots is preferred so the residents of the units will have back yards instead of larger front yards used only for parking. The parking locations are separated between the two units so each unit has its own parking spaces.

3. How large is the building structure for the duplex? Is each duplex comparable in size as the remainder of the properties on the street? If not, it is a concern to me as a property owner of two single family homes directly across the street.

Answer: The structure will be two stories. Each unit will be 22' x 44' which is 968 sq ft per dwelling unit.

4. Please provide some detail of the style and design of the duplex and where the utility stub ups would be and where air conditioning units/heat pumps and other noise making devices would be located on the property. Having a reduced set back with noise generating machinery that is not

designed at the rear of the duplex would be very objectionable to me. If you have an artist's rendering of the building design and a street view corridor concept for my viewing, I would appreciate seeing it.

Answer: After speaking with Mr. Feindt, the heat pumps and air conditioning units will be on the sides of the units at the rear and will not affect houses across the street.

5. My property Manager is Wayne Sommers and he is being copied on this email. Please provide him with the same documentation you provide me so if it is necessary for him to attend the public hearing or an appeal in the future, we would have the proper information.

Answer: This was a comment, so no answer is needed.

Mr. Bason questioned the legality of doing this as tax parcels. Mr. Rutt stated it will be two tax parcels which will be owned by two different owners. Mr. Feindt could not own both lots in his name and rent them. They each one have to be a separate tax parcel with a separate owner.

Mr. Gramling asked if there is a reason for that. The code calls for it to be that way according to Mr. Rutt.

Mr. Nash confirmed the code does not specify a time frame of when this has to be in separate ownership. Mr. Feindt will be the owner while it is being built. Mr. Nash asked if once they are built, can he rent them out, with the intent to eventually sell them separately. Mr. Rutt replied the ownership would have to be divided after the CO is issued but prior to being occupied.

Mr. Rutt explained the two issues before the Board are for the setback and lot size.

Mr. Rutt asked Mr. Nash if the configuration of the lot, since it is not a rectangle, present challenges to him. Mr. Nash replied it presented many challenges. If the building were to be moved back, it only got closer to NE Second Street. Mr. Rutt confirmed the 18.5' front setback is for Pierce Street and confirmed the lot is now vacant. Prior to being demolished, Mr. Nash stated the building set back 10.4' from Pierce Street.

Mr. Nash asked if the application can be amended to include a request for a variance for the setback on NE Second Street from 30' to 17.5'. After getting the comments back from DB&F, he realized a variance that variance needs to be granted as well. He thought NE Second Street was going to have a side setback.

Mr. Rutt replied it cannot be amended now because it's been advertised as a setback from Pierce Street, not NE Second Street. There could be people on NE Second Street who didn't care about Pierce Street, but may have a concern about the setback on NE Second Street and would want to voice those concerns.

Mr. Nash asked if the setback can be waived at the Council level. Mr. Rutt replied there is a provision in Chapter 200, Subdivision of Land, section 6 the applicant can request at the time of making application for a subdivision variances and waivers from the setbacks that the Planning Commission can recommend to City Council, but that's not what we are here for today. There is the possibility we can amend the application assuming this body recommends the variance. Mr.

Nash can amend his application to also include the variance on NE Second Street. It may require re-advertising and deferring that decision to a later date before City Council.

Mr. Rutt reviewed the notice for today's hearing and noted the public notice states the applicant is seeking a front building setback line of 18.5' whereas the setback needed for NE Second Street is 17.5'.

Mrs. Crouch confirmed Mr. Rutt's recommendation is to have the applicant amend the application to include the setback on NE Second Street, re-advertise the then amended application, hold a Planning Commission hearing on the matter and then be heard for a final determination on all items by the City Council. The Board today can address the two variances for the lot square footage and setback on Pierce and do a conditional approval of the setback on NE Second Street pending Planning Commission recommendation to City Council. This would cover all the bases.

Mr. Bason called for public comments.

Mr. Wayne Sommers, the property manager for Mr. Kirk Watilo, stated Mr. Watilo's main concern is how this will affect the property values in the surrounding area. Will this diminish the values, will it block views, how tall is the building? His main concern is if the building is coming out to 18' and it will be a tall building, will it narrow the view and feel like a closed corridor? His main thing is for aesthetics and for keeping property values up. He would like to see a drawing and asked Mr. Sommers to pick it up today and take it with him. Mr. Sommers will be going to the area to take pictures today to let him know what it looks like right now. Mr. Sommers heard the reasons for making the lot smaller, and he understands that, but Mr. Watilo's concern also was if parking is going to be on both sides, could the parking be moved to around front and create a wrap around driveway.

Mr. Bason stated he doesn't see how a wrap around driveway would work considering the setback on NE Second Street. Mr. Sommers said he has not seen a visual for this lot and doesn't understand it.

Mr. Nash showed Mr. Sommers a copy of the site plan and explained that by moving the building back, it decreases the distance from the building to NE Second Street, which requires a 30' setback, therefore moving the structure back further from Pierce Street is not a useful option.

Mr. Sommers asked how much time Mr. Watilo has to respond unto this before it goes into effect or will it be approved today? Mrs. Crouch explained a final determination regarding the two variances will be made today. Regarding the amendment, a new public notice will be sent and Mr. Watilo can comment on that if he would like.

Mr. Sommers cannot make a good judgment because he can't visualize what it will look like. Mr. Watilo had him for a CAD drawing of the building. Mr. Warfel stated Mr. Feindt will build what is allowed per the code and the city doesn't have design standards. Mr. Nash can give him things out of the kindness of his heart, but he is not required to give conceptual drawings.

Mr. Rutt, addressing the appeal issue, if Mr. Watilo feels aggrieved, under Chapter 230-33, if *“Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.”*

Mr. Sommers asked Mr. Warfel, as an expert, if the values of the surrounding properties will be affected. Mr. Rutt advised Mr. Warfel not to answer because Mr. Warfel is making a decision and cannot render his opinion as an expert in the record. Mr. Sommers acknowledged what was there before was an eyesore and probably anything would be better. Mr. Sommers appreciates what is trying to be done and at this point is not aggrieved. He thinks it will be well designed and aesthetically nice place.

Mr. Bason closed the public record.

Mr. Rutt advised the motions be in three steps. First address the setback off Pierce Street, then secondly the variance for the lot size, and third will be if the Board wishes to entertain a conditional approval of the setback on NE Second Street pending recommendation by the Planning Commission and approval by City Council.

Considering the setback on Pierce Street will be further than what was there, Mr. Warfel has no problem with it and considering the overall square footage of the two lots meets the code, he has no problem with the variance for the one lot's square footage because the lot is an odd shape.

Regarding the setback issue on NE Second Street, Mr. Warfel does not have a problem with either.

Mr. Rutt advised the Board to do three motions.

Mr. Warfel made a motion to approve the setback variance as presented on Pierce Street because the setback is greater than what was there before, it will not be contrary to public interest and the odd configuration of the lot. Mr. Bason seconded the motion. Motion carried unanimously.

Mr. Warfel made a motion to approve the lot area variance as presented because the two lots meet the overall lot area requirement but due to the odd shape of the lot created an issue for the one lot to meet the code. Mr. Bason seconded the motion. Motion carried unanimously.

Mr. Gramling made a motion to conditionally approve a setback variance on NE Second Street to allow a 17.5' setback, pending a recommendation from the Planning Commission and approval from City Council. Mr. Warfel seconded the motion. Motion carried unanimously.

With no further business, the meeting adjourned at 10:54 am.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christine Crouch". The signature is written in a cursive, flowing style.

Christine Crouch
Deputy City Clerk

Christine R. Crouch

From: Bob Nash <rnash551@comcast.net>
Sent: Wednesday, May 28, 2014 4:07 PM
To: Christine R. Crouch
Subject: Feindt Minor subdivision and Conditional use Application

Christine,

We, my client and I would like to amend the application for the Minor Subdivision and Conditional Use application to request a waiver for the building setback on Second Street. My plan reflects my thinking at the time that Second St. would be considered a side setback and not another frontage setback, consequently it was overlooked at the BOA level as was evidenced at the recent hearing. The waiver would be to ask for relief of 12.5 feet from the setback requirement of 30 feet on Second St., we currently have a proposed setback of 17.5 feet the waiver would allow for the required 30 foot setback. I'll be awaiting your instructions on how this can be accomplished. Thank you for your consideration.

Best regards,
Bob Nash

§ 230-10. R-2 Residential District.

[Amended 10-16-1989; 4-10-1991; 11-9-1992]

In an R-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.
 - [1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with [Chapter 200](#), Subdivision of Land, of this Code.
 - [2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.
- D. Design requirements. No apartment/dwelling units shall be located within a cellar.
- E. Site requirements.
 - (1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
 - (2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.
- F. Facilities.
 - (1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.
 - (2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.
- G. Area regulations.
 - (1) For permitted uses and single-family semidetached dwellings not separately owned:
 - (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
 - (b) Maximum lot coverage shall be 30%.
 - (c) Minimum lot width shall be 80 feet.

- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.
- (j) Decks, subject to the following requirements:

[Added 9-8-2008 by Ord. No. 2008-13]

- [1] The deck cannot be located in the front yard.
 - [2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.
- (2) For single-family semidetached dwellings separately owned:
- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
 - (b) Maximum lot coverage shall be 30%.
 - (c) Minimum lot width shall be 40 feet.
 - (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - (e) Minimum front building setback line shall be 30 feet.
 - (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
 - (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.
 - (h) Parking shall comply with the requirements provided in Article IV of this chapter.
 - (i) Signs shall comply with the requirements in Article VI of this chapter.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 230 - ZONING**
>> **ARTICLE IX Conditional Uses** >>

ARTICLE IX Conditional Uses

[§ 230-46. Purpose.](#)

[§ 230-47. Application and approval procedures.](#)

[§ 230-48. Criteria for evaluation.](#)

[§ 230-48.1. Criteria for planned unit residential development.](#)

[§ 230-49. Conditions for approval; expiration.](#)

§ 230-46. Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-48.1. Criteria for planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001; amended 10-25-2004 by Ord. No. 2004-9]

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in [Chapter 200](#), Subdivision of Land.

[Added 5-22-2006 by Ord. No. 2006-2]

- F. Neighborhood commercial.

[Added 11-27-2006 by Ord. No. 2006-15]

- (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
- (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).
 - (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).

- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
 - (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
 - (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
 - (5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.
 - (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.
 - (7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.
- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

[Ord. No. 2009-17, § 5, 4-26-2010]

§ 230-49. Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in [§ 230-48](#) and that such use will continue to do so.
 - B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
 - C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
 - D. See fee schedule.
- [Amended 5-11-1998 by Ord. No. 4-1998]*
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
 - F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 200**
SUBDIVISION OF LAND >>

Chapter 200 SUBDIVISION OF LAND

[HISTORY: Adopted by the City Council of the City of Milford 11-10-2008 by Ord. No. 2008-12.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Ch. 88	Streets and sidewalks – See Ch. 197
Floodplain management – See Ch. 130	Trees – See Ch. 211
Property maintenance – See Ch. 174	Water – See Ch. 222
Sewers – See Ch. 185	Zoning – See Ch. 230

[§ 200-1. Purpose.](#)

[§ 200-2. Title.](#)

[§ 200-3. Definitions.](#)

[§ 200-4. Application procedure.](#)

[§ 200-5. General requirements and design standards.](#)

[§ 200-6. Variances and waivers.](#)

§ 200-1. Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

§ 200-3. Definitions.

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

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose

to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, sidewalks and trails;
- (5) Buffers or forested areas; or
- (6) For recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or stormwater management facilities;
- (2) Drainage easements;
- (3) Flagpole areas;
- (4) Medians (unless designed as a park);
- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; or
- (10) Utility facilities for uses such as sewer, water, gas or electric.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;
- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A. **ARTERIAL STREET and HIGHWAY** — A street primarily used for fast and/or heavy traffic.
- B. **COLLECTOR STREET** — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. **MINOR STREET** — A street primarily used for access to the abutting properties.

- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter [230](#), Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

[Ord. No. 2009-18, §§ 1, 2, 4-26-2010]

§ 200-4. Application procedure.

- A. Preliminary approval.
 - (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
 - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
 - (4) City Council shall grant preliminary approval of the application with or without conditions, deny the application, or table the application.
 - (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.
- B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in [§ 200-6](#):

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another

subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.

- (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
 - (3) Minor streets shall be laid out so as to discourage their use by through traffic.
 - (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
 - (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
 - (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A (4) above.
 - (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
 - (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
 - (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
 - (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
 - (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
 - (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
 - (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
 - (14)

Right-of-way widths.

- (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

Street Type (feet)	Right-of-Way Roadway (feet)	
	Arterial	80 to 110
Collector	60	28
Minor, for townhouses and apartments	60	30
Minor, for other residences	50	25
Dead-end	50	22
Marginal access	30	16
*Alley	20	12

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.
- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
- (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

General direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or Circles

- (b) Arterial streets shall be named "boulevards."
- (18) Street grades shall not exceed 5%.

- (19) Street grades shall be not less than 0.5% wherever feasible.
 - (20) Changes in street grades shall be connected by vertical curves of suitable length.
 - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
 - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:
 - (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
 - (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
 - (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of Chapter [230](#), Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter [230](#), Zoning.
 - (4)

Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.

- (5) All lots in a subdivision shall have frontage on a public street.
- (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
- (7) Side lot lines shall be at right angles or radial to street lines.
- (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

F. Parks, playgrounds, open spaces, school sites and natural features.

- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
- (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.² In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
- (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
- (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
 - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.

- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in Chapter [230](#), Zoning, [§ 230-57](#), Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

[Ord. No. 2013-7, § 1, 9-23-2013]

§ 200-6. Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of [Chapter 200](#), and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter [230](#), Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

FOOTNOTE(S):

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Editor's Note: This ordinance also repealed former Ch. 200, Subdivision of Land, adopted 12-10-2001 by Ord. No. 2001-8, as amended. ([Back](#))

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Editor's Note: See Ch. 230, Zoning. ([Back](#))

May 8, 2014

*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.
Gerald G. Friedel, P.E.*

City of Milford
201 South Walnut Street
P.O. Box 159
Milford, DE 19963

Sent via e-mail

Attn: Christine Crouch,
Executive Assistant/Deputy City Clerk

Re: Minor Subdivision/Conditional Use Review
Carlisle Lane, LLC Application

Dear Christine,

We have reviewed the Minor Subdivision/Conditional Use drawing submission referenced above and we have the following comments.

1. Please include a statement acknowledging who conducted the survey and when the survey was conducted; or, note what previous survey or deed the boundary information shown is based upon, including the plat book and page number.
2. Include the horizontal datum in the Data Column.
3. Remove the first note from the sheet.
4. Remove "**Signature**" from beneath the signature line of the Owner's Certification and replace it with the typed name and title of the individual who will be signing on behalf of the Owner.
5. Based on the R-2 Zone Conditional Use requirements, we assume that this application is for single-family semidetached dwellings **separately owned**. This should have been specified on the application form.
6. Proposed Lot 1 does not meet the minimum corner lot area requirement of 6,500 ft². According to the drawing, the proposed area of this lot will be 6,068 ft².
7. Include the proposed lot coverage on both lots, in the Site Data. The coverage must include the driveways; and, on the residue lot, the coverage must include the existing shed.

8. Dimension all proposed setback (BSL) lines. The proposed setback along the Pierce Street right-of-way scales to 15 feet. The minimum dimension shown for the front setback of the proposed building footprint on the residue lot is 18 ½ feet; and the minimum front setback of the building footprint on Lot 1 is 20 feet. The minimum required front setback is 30 feet.
9. According to §230-43, D, (2), the Second Street frontage is also considered a front setback with a minimum required setback of 30 feet. The BSL line shown on the plan is setback 8 feet from the Second Street right-of-way and the minimum distance from the proposed building footprint to the right-of-way is 17 ½ feet, according to the drawing.
10. According to §230-21, A, (1), each parking space must be 18 feet long; and, according to §230-21, B, 2 ½ spaces are required for each semidetached dwelling. According to §230-20, D, “**...parking spaces must be setback 15 feet from any street line.**” Assuming the street line is the edge of pavement of Pierce Street, each driveway must be 60 feet long, beginning at the edge of paving of Pierce Street. Show a line that represents the edge of paving of Pierce Street and dimension the area designated for parking on each lot. Adjust the length(s) if necessary.
11. Please revise and re-submit the drawing, along with a comment response letter.

Please contact our office if you have any questions or concerns regarding these comments.

Sincerely,



Scott Adkisson,
Project Manager

cc: Erik Retzlaff, P.E., Davis, Bowen & Friedel (e-mail)

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC14-005

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A CONDITIONAL USE FOR
MATTHEW & JENNIFER FEINDT
AT 303 PIERCE STREET
FOR A SINGLE FAMILY SEMIDETACHED DWELLING
IN AN R-2 ZONING DISTRICT
TAX MAP MD-16-183.10-04-012.00**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on July 15, 2014; and,

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1.

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Deputy City Clerk

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC14-006

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO CITY COUNCIL OF THE CITY OF MILFORD
THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR
MATTHEW & JENNIFER FEINDT
AT 303 PIERCE STREET
FOR A TWO LOT SUBDIVISION
IN AN R-2 ZONING DISTRICT
TAX MAP MD-16-183.10-04-012.00; 0.25 +/- Acres**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on July 15, 2014; and,

WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

- 1.

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Deputy City Clerk

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the City of Milford Planning Commission and City Council and Public Hearings have been scheduled as indicated.

Ordinance 2014-07

Matt Feindt on behalf of Legal Owner Matthew & Jennifer Fiendt for a Conditional Use

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00

Whereas, the City of Milford Planning Commission reviewed the conditional use application at a Public Hearing on May 20, 2014; and

Whereas, the conditional use application will be considered by City Council at their June 23, 2014 meeting; and

Whereas, Ordinance 2014-07 will be reviewed by the Planning Commission on July 15, 2014 and a recommendation made to City Council; and

Whereas, Milford City Council will hold a Public Hearing on July 28, 2014 to allow for public comment and further review of the ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.

Section 3. Dates.

Introduction to City Council: 06-23-14

Planning Commission Review & Public Hearing: 07-15-14

City Council Review & Public Hearing: 07-28-14

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

Ordinance 2014-07 is scheduled for adoption, with or without amendments, at the scheduled City Council Meeting on Monday, July 28, 2014. Should you have questions, please contact Milford City Hall at 302-424-3712 Extension 308.

City of Milford



PUBLIC NOTICE CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Matthew and Jennifer Feindt for a Conditional Use to allow a single family semidetached dwelling in an R2 District, a Final Minor Subdivision on 0.25+/- acres at 303 Pierce Street, a reduction in front yard setback to 18.5' on Pierce Street, and a reduction in front yard setback to 17.5' on NE Second Street, Milford, Delaware. Tax Map MD-16-183.10-04-012.00

A Public Hearing is scheduled for Tuesday, July 15, 2014 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should call me at 302.424.3712 extension 308.

By: Christine Crouch
Deputy City Clerk

033114, 061114

LANDS N/F
JOHN R. CORRIVEAU
D-639-237
ZONED R2

LANDS N/F
MICHAEL WAYNE MITCHELL
D-2633-252
ZONED R2

NOTES:

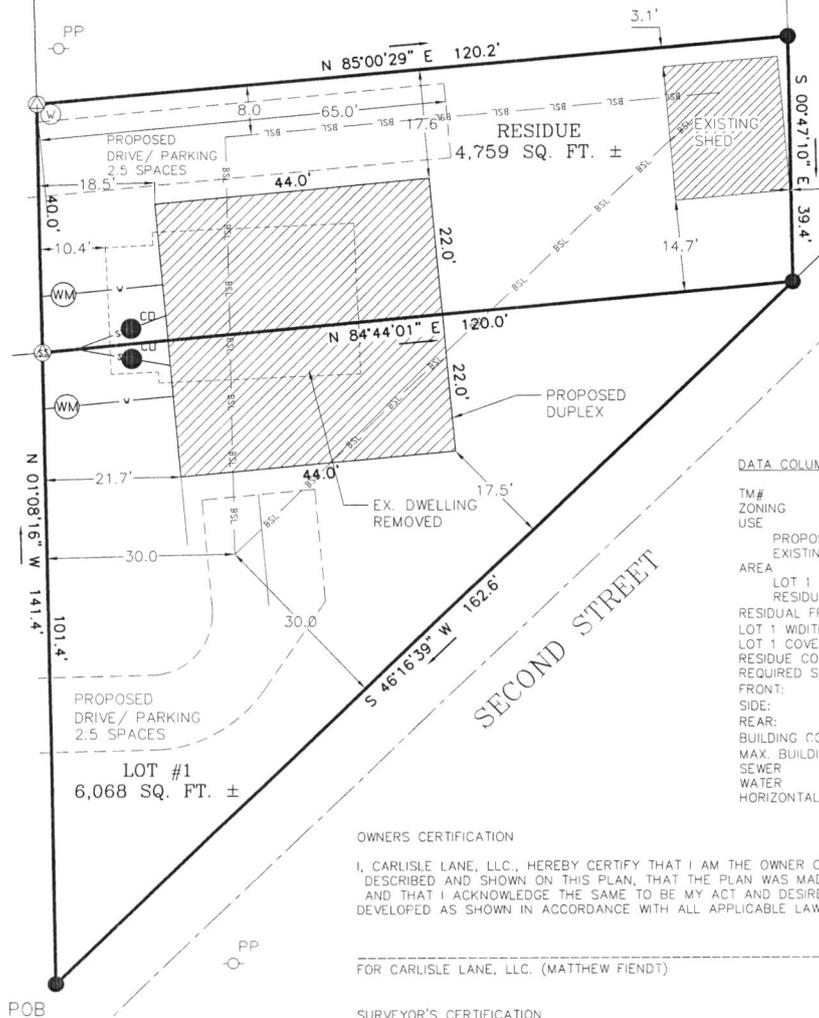
ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

BASIS OF BEARINGS DELAWARE PLANE CO-ORDINATES NAD83.
SURVEY CLASS= SUBURBAN
NO EASEMENTS PROVIDED
TITLE DEED BK.7141 PG.77

SURVEYED BY BOB NASH ASSOCIATES SEPT. 17, 2012.

REVISED MAY 22, 2012. DBF COMMENTS
& NAME REVISION

PIERCE STREET



DATA COLUMN

TM#	MD-16-183.10-04-12.00
ZONING	R-2
USE	
PROPOSED:	RESIDENTIAL(SEMI-DETACHED SEPARATELY OWNED)
EXISTING:	RESIDENTIAL
AREA	
LOT 1	4,759 SQ.FT. ±
RESIDUAL	6,068 SQ.FT. ±
RESIDUAL FRONTAGE:	40.00'
LOT 1 WIDTH:	50' AVERAGE
LOT 1 COVERAGE	30%
RESIDUE COVERAGE	45%
REQUIRED SETBACKS	
FRONT:	30'
SIDE:	8'
REAR:	15'
BUILDING CONSTRUCTION:	TYPE V (000)
MAX. BUILDING HEIGHT:	3 STORIES (35')
SEWER	CITY OF MILFORD
WATER	CITY OF MILFORD
HORIZONTAL DATUM	NAD83

OWNERS CERTIFICATION

I, CARLISLE LANE, LLC., HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

FOR CARLISLE LANE, LLC. (MATTHEW FIENDT) _____ DATE _____

SURVEYOR'S CERTIFICATION

I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ROBERT W. NASH, PLS 551 _____ DATE _____



LEGEND

- CAPPED REBAR SET
- IRON PIPE FOUND
- FIRE HYDRANT
- UTILITY POLE
- WATER METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- BUILDING SETBACK LINE
- BOUNDARY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING 6" SANITARY SEWER
- EXISTING WATER* (FIELD VERIFY SIZE & LOCATION)
- PROPOSED 6" SEWER SERVICE
- PROPOSED CLEANOUT
- PROPOSED WATER METER
- PROPOSED WATER VALVE
- PROPOSED 1" WATER SERVICE

Conditional Use Plan and,

Minor Subdivision of Property of:
CARLISLE LANE, LLC.

CITY OF MILFORD	DATE: 6 NOV. 2012
KENT COUNTY, DELAWARE	W.O.: WO 12-9-162
	T.M.: MD-16-183.10-04-12.00
	F.B.: 10-51 <small>DRAWN BY: RWN</small>
<small>Surveying & Land Design</small> <small>P.O. Box 280 Milford, DE 19963 (302) 422-7327 P.L.S. 551</small>	DISK: FIENDT-PIERCE
	SCALE: 1" = 20'

City of Milford



BOARD OF ADJUSTMENT – PUBLIC HEARING *DATE CHANGED

Milford City Hall – Joseph Ronnie Rogers Council Chambers – 201 South Walnut Street, Milford DE 19963

AGENDA

Thursday, May 22, 2014

10:00 A.M.

Call to Order – Chairman Bason

Public Hearings:

Applicant: Zurzolo, Joseph & Karen
Owner: Zurzolo, Joseph & Karen
Location: 919 SE Front Street
Tax Map: 3-30-7.17-108.00
Area of Petition: .23 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article VII-Miscellaneous Provisions, §230-42 Fences of the City of Milford Code as described below:
§230-42 Fences. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level. At the intersection of two or more streets, no hedge, fence or wall over two feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Official.

Applicant is seeking to install a 40' long section of 8' tall fencing, 40' from the roadway.

Applicant: Feindt, Matthew & Jennifer
Owner: Feindt, Matthew & Jennifer
Location: 303 Pierce Street
Tax Map: MD-16-183.10-04-012.00
Area of Petition: .25 +/- Acres
Zoning District: R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:
§230-10G(2) For single-family semidetached dwellings separately owned:

- (a) Minimum corner lot area shall be 6500 square feet.
- (e) Minimum front building setback line shall be 30 feet.

Applicant is seeking a corner lot area of 6068 square feet.

Applicant is seeking a minimum front building setback line of 18.5 feet.

Adjourn

032714, 033114, *050714 date changed from 05/08/14



BOARD OF ADJUSTMENT – PUBLIC HEARING

Milford City Hall – Joseph Ronnie Rogers Council Chambers – 201 South Walnut Street, Milford DE 19963

AGENDA

Thursday, September 11, 2014

10:00 A.M.

Call to Order – Chairman Bason

Public Hearings:

Applicant:	Feindt, Matthew & Jennifer
Owner:	Feindt, Matthew & Jennifer
Location:	303 Pierce Street
Tax Map:	MD-16-183.10-04-012.00
Area of Petition:	.25 +/- Acres
Zoning District:	R-2

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, §230-10G(2)Area Regulations of the City of Milford Code as described below:
§230-10G(2) For single-family semidetached dwellings separately owned:

- (b) Maximum lot coverage shall be 30%
- (c) Minimum lot width shall be 40 feet.

Applicant is seeking a maximum lot coverage of 45%.

Applicant is seeking a lot width of 39.2 feet.

Adjourn

080114

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the City of Milford Planning Commission and City Council and Public Hearings have been scheduled as indicated below:

Ordinance 2014-07

Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt for a Conditional Use

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE APPROVING A CONDITIONAL USE TO ALLOW A SINGLE FAMILY SEMI-DETACHED DWELLING IN AN R-2 DISTRICT AT 303 PIERCE STREET, MILFORD, DELAWARE. TAX PARCEL MD-16-183.10-04-12.00

WHEREAS, the City of Milford Planning Commission did hold a public hearing on July 19, 2014, in accordance with the requirements set forth in the City of Milford Zoning Code to consider the Conditional Use Application and Ordinance 2014-07; and

WHEREAS, after reviewing all facts and testimony presented at said hearing, the Planning Commission did recommend that City Council approve the application and ordinance; and

WHEREAS, the Board of Adjustment held two hearings on May 20, 2014 and September 11, 2014 during which time variances for setback, lot size, lot coverage and lot width requirements were granted; and

WHEREAS, on October 27, 2014, a second public hearing was held at which time the City Council reviewed the Conditional Use application and Ordinance 2014-07, along with the recommendations of the Planning Commission and city staff; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a single family semi-detached dwelling in an R-2 district as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, Matt Feindt on behalf of Legal Owner Matthew & Jennifer Feindt is hereby granted a Conditional Use Permit at Tax Map MD-16-183.10-04-12.00, in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance of the permit or the conditional use becomes void.

Section 3. Dates.

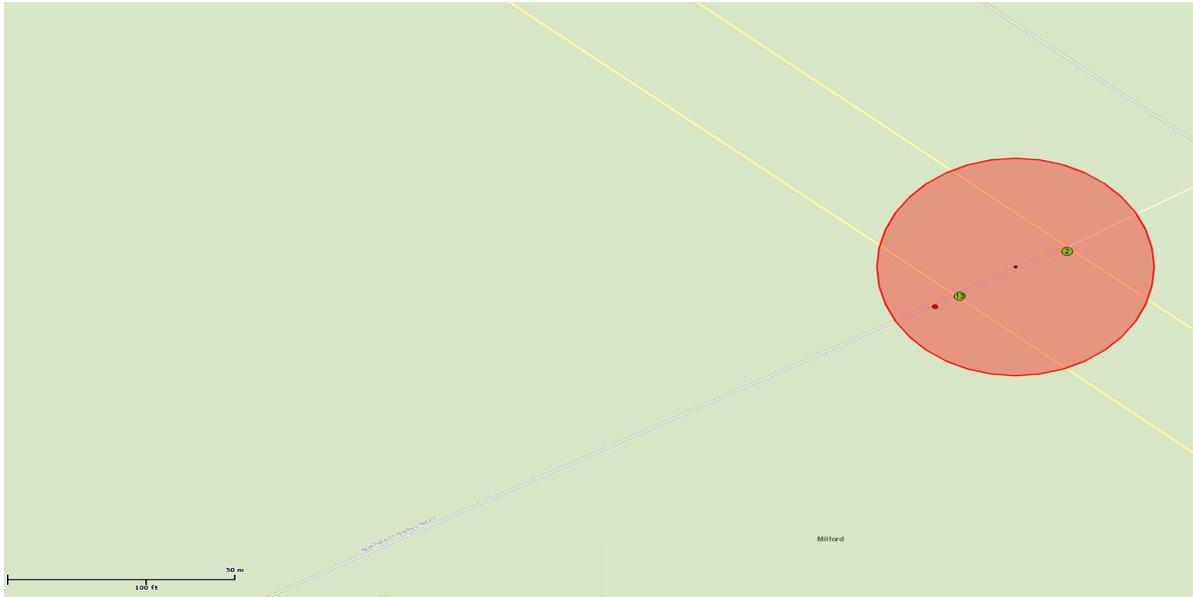
Introduction to City Council: 10-13-14

City Council Review & Public Hearing: 10-27-14

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

Delaware Crash Analysis Reporting System

Crash Study Time Period: 09-12-2011 to 09-12-2014
Query Type: singlePoint
Description: DE Route 1 @ Northeast 10th Street
Study Requested By: Linda Scott - DeIDOT Legal FOIA Emmett Venett
Study Generated By: TDTSDLR
Number of Crashes: 16
Includes Non-Reportable Crashes: N
Study Code:



State of Delaware Crash Study

Summary		Classification			Manner of Impact		
	# of Crashes		# of Crashes	% of Total Crashes		# of Crashes	% of Total Crashes
Total Crashes	16	Non-Reportable	0	0.00%	Front to rear	4	25.00%
Fatal Crashes	0	Reportable	8	50.00%	Front to front	0	0.00%
Total Alcohol-Related Crashes	0	Personal Injury	8	50.00%	Angle	10	62.50%
Total Non Alcohol-Related Crashes	16	Fatality	0	0.00%	Sideswipe, same direction	1	6.25%
Total Fatalities	0	Total	16		Sideswipe, opposite direction	0	0.00%
Total Pedestrian Fatalities	0				Rear to side	0	0.00%
Total Pedestrian Injuries	0				Rear to rear	0	0.00%
Total Pedestrian Crashes	0				Other	1	6.25%
Total Motorcycle Crashes	0				Unknown	0	0.00%
Total Pedalcyclist Crashes	0					0	0.00%
					Total	16	

Alcohol Related Crashes By Classification					
	Non-reportable	Reportable	Personal Injury	Fatality	Total
Alcohol Related	0	0	0	0	0
Non-Alcohol Related	0	8	8	0	16
Total	0	8	8	0	16

Manner of Impact By Classification					
	Non-Reportable	Reportable	Personal Injury	Fatality	Total
Front to rear	0	4	0	0	4
Front to front	0	0	0	0	0
Angle	0	3	7	0	10
Sideswipe, same direction	0	1	0	0	1
Sideswipe, opposite direction	0	0	0	0	0
Rear to side	0	0	0	0	0
Rear to rear	0	0	0	0	0
Other	0	0	1	0	1
Unknown	0	0	0	0	0
Not a collision between two vehicles	0	0	0	0	0
Total	0	8	8	0	16

Disclaimer for CARS: Crash data and associated police reports are intended for DelDOT use only and shall not be transmitted, copied, distributed or provided to any entity other than DelDOT unless written approval is received from the DelDOT Legal Section. Police reports are the property of the Delaware State Police.

Day Of Week		
	# of Crashes	% of Total Crashes
Sunday	0	0.00%
Monday	0	0.00%
Tuesday	3	18.75%
Wednesday	2	12.50%
Thursday	3	18.75%
Friday	5	31.25%
Saturday	3	18.75%
Total	16	

Time Of Day (AM)		
	# of Crashes	% of Total Crashes
00:00 - 00:59	0	0.00%
01:00 - 01:59	0	0.00%
02:00 - 02:59	0	0.00%
03:00 - 03:59	0	0.00%
04:00 - 04:59	0	0.00%
05:00 - 05:59	0	0.00%
06:00 - 06:59	0	0.00%
07:00 - 07:59	0	0.00%
08:00 - 08:59	0	0.00%
09:00 - 09:59	2	12.50%
10:00 - 10:59	1	6.25%
11:00 - 11:59	1	6.25%
Total	4	

Time Of Day (PM)		
	# of Crashes	% of Total Crashes
12:00 - 12:59	1	6.25%
13:00 - 13:59	2	12.50%
14:00 - 14:59	0	0.00%
15:00 - 15:59	3	18.75%
16:00 - 16:59	1	6.25%
17:00 - 17:59	0	0.00%
18:00 - 18:59	0	0.00%
19:00 - 19:59	1	6.25%
20:00 - 20:59	1	6.25%
21:00 - 21:59	0	0.00%
22:00 - 22:59	1	6.25%
23:00 - 23:59	2	12.50%
Total	12	
Unknown Time	0	

Surface Conditions		
	# of Crashes	% of Total Crashes
Dry	15	93.75%
Wet	0	0.00%
Snow	0	0.00%
Ice/Frost	0	0.00%
Sand	0	0.00%
Water (standing, moving)	0	0.00%
Slush	1	6.25%
Oil	0	0.00%
Mud, Dirt, Gravel	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	16	

Lighting Conditions		
	# of Crashes	% of Total Crashes
Daylight	12	75.00%
Dawn	0	0.00%
Dusk	0	0.00%
Dark-Lighted	0	0.00%
Dark-Not Lighted	4	25.00%
Dark-Unknown Lighting	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	16	

Weather Conditions		
	# of Crashes	% of Total Crashes
Clear	14	87.50%
Cloudy	2	12.50%
Fog, Smog, Smoke	0	0.00%
Rain	0	0.00%
Sleet, Hail (freezing rain or drizzle)	0	0.00%
Snow	0	0.00%
Blowing Snow	0	0.00%
Severe Crosswinds	0	0.00%
Blowing Sand, Soil, Dirt	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	16	

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First Harmful Event		
	# of Crashes	% of Total Crashes
Overturn/Rollover, Non-Collision	0	0.00%
Fire/Explosion, Non-Collision	0	0.00%
Immersion, Non-Collision	0	0.00%
Jackknife, Non-Collision	0	0.00%
Cargo/Equipment Loss or Shift, Non-Collision	0	0.00%
Fell/Jumped From Motor Vehicle, Non-Collision	0	0.00%
Thrown or Falling Object, Non-Collision	0	0.00%
Other Non-Collision, Non-Collision	0	0.00%
Pedestrian, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Pedalcycle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Railway Vehicle (train, engine), Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Animal, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Motor Vehicle in Transport, Collision With Person, Motor Vehicle, or Non-Fixed	16	100.00%
Legally Parked Motor Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Struck by Anything Set in Motion by Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Work Zone / Maintenance Equipment, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Other Non-Fixed Object, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Impact Attenuator/Crash Cushion, Collision With Fixed Object	0	0.00%
Bridge Overhead Structure, Collision With Fixed Object	0	0.00%
Bridge Pier or Support, Collision With Fixed Object	0	0.00%
Bridge Rail, Collision With Fixed Object	0	0.00%
Cable Barrier, Collision With Fixed Object	0	0.00%
Culvert, Collision With Fixed Object	0	0.00%
Curb, Collision With Fixed Object	0	0.00%
Ditch, Collision With Fixed Object	0	0.00%
Embankment, Collision With Fixed Object	0	0.00%
Guardrail Face, Collision With Fixed Object	0	0.00%
Guardrail End, Collision With Fixed Object	0	0.00%

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Concrete Traffic Barrier, Collision With Fixed Object	0	0.00%
Other Traffic Barrier, Collision With Fixed Object	0	0.00%
Tree (standing), Collision With Fixed Object	0	0.00%
Utility Pole, Collision With Fixed Object	0	0.00%
Light Support, Collision With Fixed Object	0	0.00%
Traffic Sign Support, Collision With Fixed Object	0	0.00%
Overhead Sign Support, Collision With Fixed Object	0	0.00%
Traffic Signal Support, Collision With Fixed Object	0	0.00%
Fence, Collision With Fixed Object	0	0.00%
Mailbox, Collision With Fixed Object	0	0.00%
Other Post, Pole or Support, Collision With Fixed Object	0	0.00%
Other Fixed Object (wall, building, tunnel, etc.), Collision With Fixed Object	0	0.00%
Illegally Parked Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Stopped Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Unknown, Collision With Fixed Object	0	0.00%
Total	16	

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Primary Contributing Circumstance		
	# of Crashes	% of Total Crashes
Speeding	0	0.00%
Failed to yield right of way	5	31.25%
Passed Stop Sign	1	6.25%
Disregard Traffic Signal	1	6.25%
Wrong side or wrong way	0	0.00%
Improper passing	0	0.00%
Improper lane change	0	0.00%
Following too close	0	0.00%
Made improper turn	1	6.25%
Driving under the influence	0	0.00%
Driver inattention, distraction, or fatigue	7	43.75%
Driving in a careless or reckless manner	0	0.00%
Driving in an aggressive manner	0	0.00%
Improper backing	0	0.00%
Other improper driving	0	0.00%
Mechanical defects	0	0.00%
Animal in Roadway - Deer	0	0.00%
Animal in Roadway - Other Animal	0	0.00%
Other environmental circumstances - weather, glare	0	0.00%
Roadway circumstances - debris, holes, work zone,	0	0.00%
Other	1	6.25%
Unknown	0	0.00%
Total	16	

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Driver Action		
	# of Drivers	% of Total Crashes
No Contributing Action	17	51.52%
Failed to yield right of way	4	12.12%
Ran Red Light	0	0.00%
Ran Stop Sign	2	6.06%
Disregard other traffic sign	4	12.12%
Disregard other road markings	0	0.00%
Exceeded authorized speed limit	0	0.00%
Driving too fast for conditions	0	0.00%
Made an improper turn	0	0.00%
Improper backing	0	0.00%
Wrong side or wrong way	0	0.00%
Followed too closely	1	3.03%
Failure to keep in proper lane	0	0.00%
Ran off roadway	0	0.00%
Operating vehicle in erratic, reckless, careless, negligent or aggressive manner	2	6.06%
Swerving or avoiding due to wind, slippery surface, vehicle, object, non-motorist in roadway, etc.	0	0.00%
Over-correcting/over-steering	0	0.00%
Improper Passing	0	0.00%
Other Contributing Action	3	9.09%
Unknown	0	0.00%
Total	33	

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CTY	RD	MP	C-MP	DIR	COMP/HQ#	Date	Time	Day	Fat	Inj	AL	LC	WC	SC	FHE	PC	Class	MOI
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2011

K	34108	0.72	0.72	2	5111011619	09/29/2011	20:00	5	0	0	N	05	01	01	13	09	02	03
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2012

K	00008A	0.82	3.13		5112002144	02/28/2012	15:36	3	0	0	N	01	01	01	13	11	02	01
K	00008A	1.29	1.29	1	5112007689	06/30/2012	09:26	7	0	2	N	01	01	01	13	11	03	88
K	00008A	0.82	3.13	2	5112008687	07/20/2012	10:15	6	0	3	N	01	02	01	13	11	03	03
K	34108	0.74	0.74	1	5112010774	09/04/2012	15:56	3	0	0	N	01	01	01	13	02	02	03
K	34108	0.72	0.72	2	5112011164	09/14/2012	09:20	6	0	3	N	01	01	01	13	02	03	03

2013

K	34108	0.72	0.72	2	5113002040	02/27/2013	22:16	4	0	1	N	05	01	01	13	04	03	03
K	00008A	0.82	3.13	2	5113003252	04/04/2013	13:47	5	0	0	N	01	01	01	13	11	02	01
K	00008A	0.82	3.13	2	5113007268	07/25/2013	23:48	5	0	2	N	05	02	01	13	02	03	03
K	34108	0.72	0.72	2	5113009800	09/25/2013	16:37	4	0	1	N	01	01	01	13	11	03	03

2014

K	00008A	0.82	3.13	2	5114000128	01/04/2014	11:31	7	0	2	N	01	01	07	13	03	03	03
K	34108	0.72	0.72	2	5114001607	02/14/2014	23:23	6	0	1	N	05	01	01	13	02	03	03
K	00008A	0.82	3.13	2	5114006154	06/07/2014	12:15	7	0	0	N	01	01	01	13	11	02	01
K	34108	0.72	0.72		5114007001	06/27/2014	19:44	6	0	0	N	01	01	01	13	88	02	01
K	34108	0.72	0.72	2	5114007780	07/15/2014	13:29	3	0	0	N	01	01	01	13	11	02	03
K	34108	0.72	0.72	2	5114009553	08/29/2014	15:02	6	0	0	N	01	01	01	13	02	02	04

Report generated by TDTSDLR at 2014-09-23 10:22:50.72

Report Legend

- Cty - County
- Rd - Maintenance Road
- MP - Milepoint
- C-MP - Continuous Milepoint
- Dir - Direction of Highway
- COMP/HQ# - Complaint Number/Headquarters Number
- DAY - Day Of Week Code
- Fat - Fatality
- Inj - Injury
- AL - Alcohol Involved
- LC - Lighting Condition
- WC - Weather Condition
- SC - Surface Condition
- MHE - Most Harmful Event
- PC - Primary Contributing Circumstance
- Class - Report Classification
- MOI - Manner of Impact

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Delaware Crash Analysis Reporting System

Crash Study Time Period: 09-12-2011 to 09-12-2014
Query Type: singlePoint
Description: DE Route 1 @ DE Route 14, Front Street
Study Requested By: Linda Scott - DeIDOT Legal FOIA Emmett Venett
Study Generated By: TDTSDLR
Number of Crashes: 12
Includes Non-Reportable Crashes: N
Study Code:



State of Delaware Crash Study

Summary		Classification			Manner of Impact		
	# of Crashes		# of Crashes	% of Total Crashes		# of Crashes	% of Total Crashes
Total Crashes	12	Non-Reportable	0	0.00%	Front to rear	0	0.00%
Fatal Crashes	0	Reportable	5	41.67%	Front to front	0	0.00%
Total Alcohol-Related Crashes	0	Personal Injury	7	58.33%	Angle	8	66.67%
Total Non Alcohol-Related Crashes	12	Fatality	0	0.00%	Sideswipe, same direction	0	0.00%
Total Fatalities	0	Total	12		Sideswipe, opposite direction	1	8.33%
Total Pedestrian Fatalities	0				Rear to side	0	0.00%
Total Pedestrian Injuries	0				Rear to rear	0	0.00%
Total Pedestrian Crashes	0				Other	0	0.00%
Total Motorcycle Crashes	1				Unknown	0	0.00%
Total Pedalcyclist Crashes	0				Not a collision between two vehicles	3	25.00%
					Total	12	

Alcohol Related Crashes By Classification

	Non-reportable	Reportable	Personal Injury	Fatality	Total
Alcohol Related	0	0	0	0	0
Non-Alcohol Related	0	5	7	0	12
Total	0	5	7	0	12

Manner of Impact By Classification

	Non-Reportable	Reportable	Personal Injury	Fatality	Total
Front to rear	0	0	0	0	0
Front to front	0	0	0	0	0
Angle	0	2	6	0	8
Sideswipe, same direction	0	0	0	0	0
Sideswipe, opposite direction	0	1	0	0	1
Rear to side	0	0	0	0	0
Rear to rear	0	0	0	0	0
Other	0	0	0	0	0
Unknown	0	0	0	0	0
Not a collision between two vehicles	0	2	1	0	3
Total	0	5	7	0	12

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Day Of Week		
	# of Crashes	% of Total Crashes
Sunday	4	33.33%
Monday	1	8.33%
Tuesday	2	16.67%
Wednesday	1	8.33%
Thursday	2	16.67%
Friday	1	8.33%
Saturday	1	8.33%
Total	12	

Time Of Day (AM)		
	# of Crashes	% of Total Crashes
00:00 - 00:59	1	8.33%
01:00 - 01:59	0	0.00%
02:00 - 02:59	0	0.00%
03:00 - 03:59	0	0.00%
04:00 - 04:59	0	0.00%
05:00 - 05:59	0	0.00%
06:00 - 06:59	0	0.00%
07:00 - 07:59	1	8.33%
08:00 - 08:59	0	0.00%
09:00 - 09:59	0	0.00%
10:00 - 10:59	0	0.00%
11:00 - 11:59	1	8.33%
Total	3	

Time Of Day (PM)		
	# of Crashes	% of Total Crashes
12:00 - 12:59	0	0.00%
13:00 - 13:59	1	8.33%
14:00 - 14:59	1	8.33%
15:00 - 15:59	1	8.33%
16:00 - 16:59	0	0.00%
17:00 - 17:59	2	16.67%
18:00 - 18:59	1	8.33%
19:00 - 19:59	0	0.00%
20:00 - 20:59	0	0.00%
21:00 - 21:59	1	8.33%
22:00 - 22:59	1	8.33%
23:00 - 23:59	1	8.33%
Total	9	
Unknown Time	0	

Surface Conditions		
	# of Crashes	% of Total Crashes
Dry	11	91.67%
Wet	1	8.33%
Snow	0	0.00%
Ice/Frost	0	0.00%
Sand	0	0.00%
Water (standing, moving)	0	0.00%
Slush	0	0.00%
Oil	0	0.00%
Mud, Dirt, Gravel	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	12	

Lighting Conditions		
	# of Crashes	% of Total Crashes
Daylight	6	50.00%
Dawn	0	0.00%
Dusk	1	8.33%
Dark-Lighted	0	0.00%
Dark-Not Lighted	5	41.67%
Dark-Unknown Lighting	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	12	

Weather Conditions		
	# of Crashes	% of Total Crashes
Clear	10	83.33%
Cloudy	2	16.67%
Fog, Smog, Smoke	0	0.00%
Rain	0	0.00%
Sleet, Hail (freezing rain or drizzle)	0	0.00%
Snow	0	0.00%
Blowing Snow	0	0.00%
Severe Crosswinds	0	0.00%
Blowing Sand, Soil, Dirt	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	12	

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First Harmful Event		
	# of Crashes	% of Total Crashes
Overturn/Rollover, Non-Collision	1	8.33%
Fire/Explosion, Non-Collision	0	0.00%
Immersion, Non-Collision	0	0.00%
Jackknife, Non-Collision	0	0.00%
Cargo/Equipment Loss or Shift, Non-Collision	0	0.00%
Fell/Jumped From Motor Vehicle, Non-Collision	0	0.00%
Thrown or Falling Object, Non-Collision	0	0.00%
Other Non-Collision, Non-Collision	0	0.00%
Pedestrian, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Pedalcycle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Railway Vehicle (train, engine), Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Animal, Collision With Person, Motor Vehicle, or Non-Fixed	1	8.33%
Motor Vehicle in Transport, Collision With Person, Motor Vehicle, or Non-Fixed	10	83.33%
Legally Parked Motor Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Struck by Anything Set in Motion by Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Work Zone / Maintenance Equipment, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Other Non-Fixed Object, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Impact Attenuator/Crash Cushion, Collision With Fixed Object	0	0.00%
Bridge Overhead Structure, Collision With Fixed Object	0	0.00%
Bridge Pier or Support, Collision With Fixed Object	0	0.00%
Bridge Rail, Collision With Fixed Object	0	0.00%
Cable Barrier, Collision With Fixed Object	0	0.00%
Culvert, Collision With Fixed Object	0	0.00%
Curb, Collision With Fixed Object	0	0.00%
Ditch, Collision With Fixed Object	0	0.00%
Embankment, Collision With Fixed Object	0	0.00%
Guardrail Face, Collision With Fixed Object	0	0.00%
Guardrail End, Collision With Fixed Object	0	0.00%

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Concrete Traffic Barrier, Collision With Fixed Object	0	0.00%
Other Traffic Barrier, Collision With Fixed Object	0	0.00%
Tree (standing), Collision With Fixed Object	0	0.00%
Utility Pole, Collision With Fixed Object	0	0.00%
Light Support, Collision With Fixed Object	0	0.00%
Traffic Sign Support, Collision With Fixed Object	0	0.00%
Overhead Sign Support, Collision With Fixed Object	0	0.00%
Traffic Signal Support, Collision With Fixed Object	0	0.00%
Fence, Collision With Fixed Object	0	0.00%
Mailbox, Collision With Fixed Object	0	0.00%
Other Post, Pole or Support, Collision With Fixed Object	0	0.00%
Other Fixed Object (wall, building, tunnel, etc.), Collision With Fixed Object	0	0.00%
Illegally Parked Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Stopped Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Unknown, Collision With Fixed Object	0	0.00%
Total	11	

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Primary Contributing Circumstance		
	# of Crashes	% of Total Crashes
Speeding	1	8.33%
Failed to yield right of way	3	25.00%
Passed Stop Sign	1	8.33%
Disregard Traffic Signal	1	8.33%
Wrong side or wrong way	0	0.00%
Improper passing	0	0.00%
Improper lane change	0	0.00%
Following too close	0	0.00%
Made improper turn	0	0.00%
Driving under the influence	0	0.00%
Driver inattention, distraction, or fatigue	3	25.00%
Driving in a careless or reckless manner	0	0.00%
Driving in an aggressive manner	0	0.00%
Improper backing	1	8.33%
Other improper driving	0	0.00%
Mechanical defects	0	0.00%
Animal in Roadway - Deer	1	8.33%
Animal in Roadway - Other Animal	0	0.00%
Other environmental circumstances - weather, glare	0	0.00%
Roadway circumstances - debris, holes, work zone,	1	8.33%
Other	0	0.00%
Unknown	0	0.00%
Total	12	

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Driver Action		
	# of Drivers	% of Total Crashes
No Contributing Action	11	52.38%
Failed to yield right of way	3	14.29%
Ran Red Light	0	0.00%
Ran Stop Sign	1	4.76%
Disregard other traffic sign	1	4.76%
Disregard other road markings	0	0.00%
Exceeded authorized speed limit	1	4.76%
Driving too fast for conditions	0	0.00%
Made an improper turn	0	0.00%
Improper backing	1	4.76%
Wrong side or wrong way	0	0.00%
Followed too closely	0	0.00%
Failure to keep in proper lane	0	0.00%
Ran off roadway	0	0.00%
Operating vehicle in erratic, reckless, careless, negligent or aggressive manner	3	14.29%
Swerving or avoiding due to wind, slippery surface, vehicle, object, non-motorist in roadway, etc.	0	0.00%
Over-correcting/over-steering	0	0.00%
Improper Passing	0	0.00%
Other Contributing Action	0	0.00%
Unknown	0	0.00%
Total	21	

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CTY	RD	MP	C-MP	DIR	COMP/HQ#	Date	Time	Day	Fat	Inj	AL	LC	WC	SC	FHE	PC	Class	MOI
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2012

K	00008A	1.31	3.62	2	5112004924	05/05/2012	15:54	7	0	2	N	01	02	01	01	20	03	00
K	00409	0.6	0.60	1	5112006792	06/13/2012	22:22	4	0	4	N	05	01	01	13	03	03	03
K	00008A	1.32	3.63	2	5112008417	07/15/2012	00:02	1	0	2	N	05	01	01	13	11	03	03
K	00008A	1.32	3.63	2	5112013631	11/20/2012	11:50	3	0	1	N	01	01	01	13	14	03	03

2013

K	00409	0.59	0.59	2	5113000265	01/08/2013	17:07	3	0	0	N	03	01	01	13	11	02	03
K	00409	0.59	0.59	1	5113004575	05/10/2013	18:40	6	0	0	N	01	01	01	13	11	02	05
K	00008A	1.32	3.63	2	5113007737	08/08/2013	17:25	5	0	2	N	01	01	01	13	04	03	03
K	00409	0.61	0.61	1	5113012046	11/28/2013	23:06	5	0	0	N	05	01	01	13	02	02	03

2014

K	00008A	1.33	3.64	2	0714027346	05/18/2014	21:30	1	0	0	N	05	01	01	12	17	02	00
K	00008A	0.8	0.80	1	5114002469	03/09/2014	07:17	1	0	0	N	05	02	02	13	01	02	00
K	00008A	1.32	3.63	2	5114005318	05/18/2014	14:29	1	0	3	N	01	01	01	13	02	03	03
K	00409	0.61	0.61	1	5114008794	08/11/2014	13:17	2	0	2	N	01	01	01	13	02	03	03

Report generated by TDTSDLR at 2014-09-23 10:55:21.459

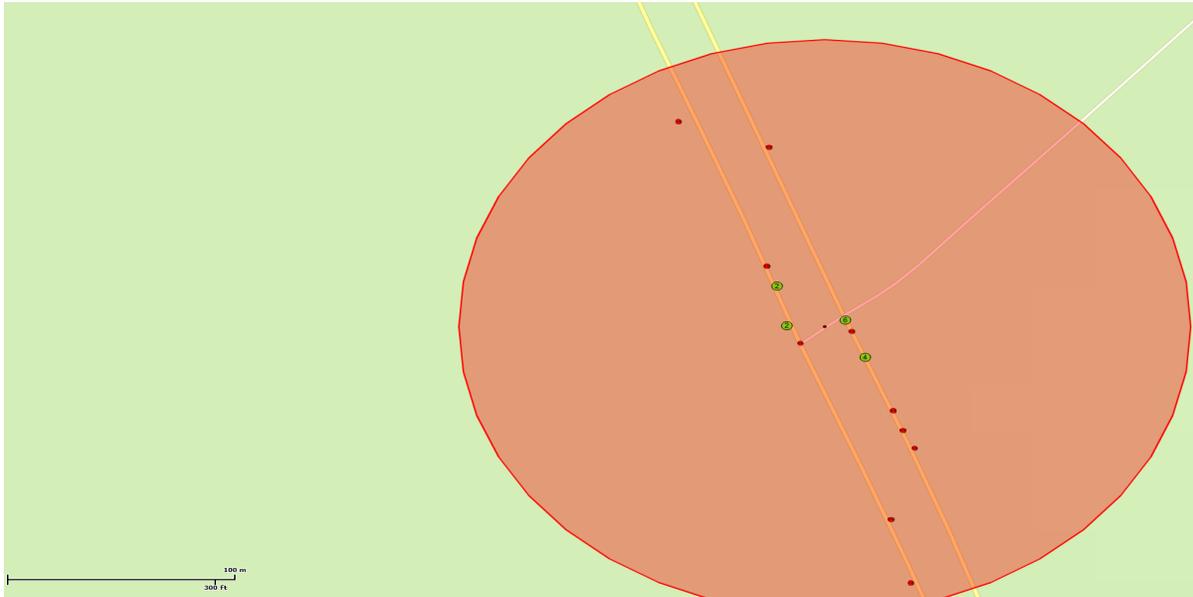
Report Legend

Cty - County
Rd - Maintenance Road
MP - Milepoint
C-MP - Continuous Milepoint
Dir - Direction of Highway
COMP/HQ# - Complaint Number/Headquarters Number
DAY - Day Of Week Code
Fat - Fatality
Inj - Injury
AL - Alcohol Involved
LC - Lighting Condition
WC - Weather Condition
SC - Surface Condition
MHE - Most Harmful Event
PC - Primary Contributing Circumstance
Class - Report Classification
MOI - Manner of Impact

Disclaimer for CARS: Crash data and associated police reports are intended for DelDOT use only and shall not be transmitted, copied, distributed or provided to any entity other than DelDOT unless written approval is received from the DelDOT Legal Section. Police reports are the property of the Delaware State Police.

Delaware Crash Analysis Reporting System

Crash Study Time Period: 09-12-2011 to 09-12-2014
Query Type: singlePoint
Description: DE Route 1 @ Thompsonville Road
Study Requested By: Linda Scott - DeIDOT Legal FOIA Emmett Venett
Study Generated By: TDTSDLR
Number of Crashes: 24
Includes Non-Reportable Crashes: N
Study Code:



State of Delaware Crash Study

Summary		Classification			Manner of Impact			
	# of Crashes		# of Crashes	% of Total Crashes		# of Crashes	% of Total Crashes	
Total Crashes	24	Non-Reportable	0	0.00%	Front to rear	22	91.67%	
Fatal Crashes	0		Reportable	18	75.00%	Front to front	0	0.00%
Total Alcohol-Related Crashes	0			Personal Injury	6	25.00%	Angle	0
Total Non Alcohol-Related Crashes	24		Fatality		0	0.00%	Sideswipe, same direction	0
Total Fatalities	0			Total	24		Sideswipe, opposite direction	0
Total Pedestrian Fatalities	0					Rear to side	0	0.00%
Total Pedestrian Injuries	0					Rear to rear	0	0.00%
Total Pedestrian Crashes	0				Other	0	0.00%	
Total Motorcycle Crashes	0				Unknown	1	4.17%	
Total Pedalcyclist Crashes	0				Not a collision between two vehicles	1	4.17%	
					Total	24		

Alcohol Related Crashes By Classification

	Non-reportable	Reportable	Personal Injury	Fatality	Total
Alcohol Related	0	0	0	0	0
Non-Alcohol Related	0	18	6	0	24
Total	0	18	6	0	24

Manner of Impact By Classification

	Non-Reportable	Reportable	Personal Injury	Fatality	Total
Front to rear	0	16	6	0	22
Front to front	0	0	0	0	0
Angle	0	0	0	0	0
Sideswipe, same direction	0	0	0	0	0
Sideswipe, opposite direction	0	0	0	0	0
Rear to side	0	0	0	0	0
Rear to rear	0	0	0	0	0
Other	0	0	0	0	0
Unknown	0	1	0	0	1
Not a collision between two vehicles	0	1	0	0	1
Total	0	18	6	0	24

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Day Of Week		
	# of Crashes	% of Total Crashes
Sunday	6	25.00%
Monday	1	4.17%
Tuesday	4	16.67%
Wednesday	2	8.33%
Thursday	3	12.50%
Friday	3	12.50%
Saturday	5	20.83%
Total	24	

Time Of Day (AM)		
	# of Crashes	% of Total Crashes
00:00 - 00:59	1	4.17%
01:00 - 01:59	0	0.00%
02:00 - 02:59	0	0.00%
03:00 - 03:59	0	0.00%
04:00 - 04:59	0	0.00%
05:00 - 05:59	0	0.00%
06:00 - 06:59	1	4.17%
07:00 - 07:59	1	4.17%
08:00 - 08:59	3	12.50%
09:00 - 09:59	1	4.17%
10:00 - 10:59	2	8.33%
11:00 - 11:59	0	0.00%
Total	9	

Time Of Day (PM)		
	# of Crashes	% of Total Crashes
12:00 - 12:59	1	4.17%
13:00 - 13:59	2	8.33%
14:00 - 14:59	2	8.33%
15:00 - 15:59	1	4.17%
16:00 - 16:59	2	8.33%
17:00 - 17:59	1	4.17%
18:00 - 18:59	2	8.33%
19:00 - 19:59	2	8.33%
20:00 - 20:59	0	0.00%
21:00 - 21:59	2	8.33%
22:00 - 22:59	0	0.00%
23:00 - 23:59	0	0.00%
Total	15	
Unknown Time	0	

Surface Conditions		
	# of Crashes	% of Total Crashes
Dry	22	91.67%
Wet	2	8.33%
Snow	0	0.00%
Ice/Frost	0	0.00%
Sand	0	0.00%
Water (standing, moving)	0	0.00%
Slush	0	0.00%
Oil	0	0.00%
Mud, Dirt, Gravel	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	24	

Lighting Conditions		
	# of Crashes	% of Total Crashes
Daylight	17	70.83%
Dawn	0	0.00%
Dusk	0	0.00%
Dark-Lighted	2	8.33%
Dark-Not Lighted	4	16.67%
Dark-Unknown Lighting	0	0.00%
Other	0	0.00%
Unknown	1	4.17%
Total	24	

Weather Conditions		
	# of Crashes	% of Total Crashes
Clear	20	83.33%
Cloudy	1	4.17%
Fog, Smog, Smoke	0	0.00%
Rain	2	8.33%
Sleet, Hail (freezing rain or drizzle)	0	0.00%
Snow	0	0.00%
Blowing Snow	0	0.00%
Severe Crosswinds	0	0.00%
Blowing Sand, Soil, Dirt	0	0.00%
Other	0	0.00%
Unknown	1	4.17%
Total	24	

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First Harmful Event		
	# of Crashes	% of Total Crashes
Overturn/Rollover, Non-Collision	0	0.00%
Fire/Explosion, Non-Collision	0	0.00%
Immersion, Non-Collision	0	0.00%
Jackknife, Non-Collision	0	0.00%
Cargo/Equipment Loss or Shift, Non-Collision	0	0.00%
Fell/Jumped From Motor Vehicle, Non-Collision	0	0.00%
Thrown or Falling Object, Non-Collision	0	0.00%
Other Non-Collision, Non-Collision	0	0.00%
Pedestrian, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Pedalcycle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Railway Vehicle (train, engine), Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Animal, Collision With Person, Motor Vehicle, or Non-Fixed	1	4.17%
Motor Vehicle in Transport, Collision With Person, Motor Vehicle, or Non-Fixed	19	79.17%
Legally Parked Motor Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Struck by Anything Set in Motion by Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Work Zone / Maintenance Equipment, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Other Non-Fixed Object, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Impact Attenuator/Crash Cushion, Collision With Fixed Object	0	0.00%
Bridge Overhead Structure, Collision With Fixed Object	0	0.00%
Bridge Pier or Support, Collision With Fixed Object	0	0.00%
Bridge Rail, Collision With Fixed Object	0	0.00%
Cable Barrier, Collision With Fixed Object	0	0.00%
Culvert, Collision With Fixed Object	0	0.00%
Curb, Collision With Fixed Object	0	0.00%
Ditch, Collision With Fixed Object	0	0.00%
Embankment, Collision With Fixed Object	0	0.00%
Guardrail Face, Collision With Fixed Object	0	0.00%
Guardrail End, Collision With Fixed Object	0	0.00%

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Concrete Traffic Barrier, Collision With Fixed Object	0	0.00%
Other Traffic Barrier, Collision With Fixed Object	0	0.00%
Tree (standing), Collision With Fixed Object	0	0.00%
Utility Pole, Collision With Fixed Object	1	4.17%
Light Support, Collision With Fixed Object	0	0.00%
Traffic Sign Support, Collision With Fixed Object	0	0.00%
Overhead Sign Support, Collision With Fixed Object	0	0.00%
Traffic Signal Support, Collision With Fixed Object	0	0.00%
Fence, Collision With Fixed Object	0	0.00%
Mailbox, Collision With Fixed Object	0	0.00%
Other Post, Pole or Support, Collision With Fixed Object	0	0.00%
Other Fixed Object (wall, building, tunnel, etc.), Collision With Fixed Object	0	0.00%
Illegally Parked Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Stopped Motor Vehicle, Collision with person, vehicle, or object not fixe	3	12.50%
Unknown, Collision With Fixed Object	0	0.00%
Total	23	

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Primary Contributing Circumstance		
	# of Crashes	% of Total Crashes
Speeding	0	0.00%
Failed to yield right of way	0	0.00%
Passed Stop Sign	0	0.00%
Disregard Traffic Signal	0	0.00%
Wrong side or wrong way	0	0.00%
Improper passing	0	0.00%
Improper lane change	0	0.00%
Following too close	5	20.83%
Made improper turn	0	0.00%
Driving under the influence	0	0.00%
Driver inattention, distraction, or fatigue	12	50.00%
Driving in a careless or reckless manner	2	8.33%
Driving in an aggressive manner	0	0.00%
Improper backing	0	0.00%
Other improper driving	0	0.00%
Mechanical defects	0	0.00%
Animal in Roadway - Deer	1	4.17%
Animal in Roadway - Other Animal	0	0.00%
Other environmental circumstances - weather, glare	1	4.17%
Roadway circumstances - debris, holes, work zone,	0	0.00%
Other	0	0.00%
Unknown	3	12.50%
Total	24	

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Driver Action		
	# of Drivers	% of Total Crashes
No Contributing Action	29	56.86%
Failed to yield right of way	0	0.00%
Ran Red Light	0	0.00%
Ran Stop Sign	0	0.00%
Disregard other traffic sign	0	0.00%
Disregard other road markings	0	0.00%
Exceeded authorized speed limit	0	0.00%
Driving too fast for conditions	0	0.00%
Made an improper turn	0	0.00%
Improper backing	0	0.00%
Wrong side or wrong way	0	0.00%
Followed too closely	6	11.76%
Failure to keep in proper lane	0	0.00%
Ran off roadway	0	0.00%
Operating vehicle in erratic, reckless, careless, negligent or aggressive manner	12	23.53%
Swerving or avoiding due to wind, slippery surface, vehicle, object, non-motorist in roadway, etc.	0	0.00%
Over-correcting/over-steering	0	0.00%
Improper Passing	0	0.00%
Other Contributing Action	2	3.92%
Unknown	2	3.92%
Total	51	

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CTY	RD	MP	C-MP	DIR	COMP/HQ#	Date	Time	Day	Fat	Inj	AL	LC	WC	SC	FHE	PC	Class	MOI
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2011

K	00008	3.27	3.27	1	0311033672	09/29/2011	08:14	5	0	0	N	01	02	01	13	11	02	01
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2012

K	00008	3.23	3.23	1	0312018076	05/18/2012	16:51	6	0	0	N	01	01	01	13	11	02	01
K	00008	3.25	3.25	1	0312021722	06/10/2012	19:31	1	0	0	N	01	01	01	13	99	02	01
K	00008	3.22	3.22	1	0312023723	06/23/2012	21:38	7	0	0	N	04	01	01	13	11	02	01
K	00008	3.33	3.33	1	0312024888	06/30/2012	16:15	7	0	0	N	01	01 - 01	01	13	08	02	01
K	00019	0	0.00	2	0312051975	12/30/2012	13:24	1	0	2	N	01	01	01	13	11	03	01

2013

K	00008	12.63	28.46	2	0313003752	01/19/2013	19:21	7	0	0	N	99	99	01	32	99	02	99
K	00008	3.27	3.27	1	0313023942	05/28/2013	14:27	3	0	0	N	01	01	01	42	08	02	01
K	00019	0.01	0.01	1	0313024137	05/29/2013	17:21	4	0	0	N	01	01	01	13	08	02	01
K	00008	12.56	28.39	2	0313027168	06/15/2013	00:29	7	0	1	N	05	01	01	42	12	03	01
K		- 9999.9			0313029457	06/26/2013	08:44	4	0	0	N	01	01 - 01	01	13	11	02	01
K	00008	12.53	28.36	2	0313032450	07/12/2013	08:34	6	0	0	N	01	04	02	13	08	02	01
K	00008	12.45	28.28	2	0313039588	08/17/2013	21:52	7	0	0	N	05	01	01	12	17	02	00
K	00008	12.55	28.38	2	0313041318	08/27/2013	10:03	3	0	1	N	01	01	01	13	11	03	01
K	00008	3.27	3.27	1	0313044812	09/15/2013	14:21	1	0	0	N	01	01	01	13	99	02	01
K	00008	3.26	3.26	1	0313050913	10/20/2013	15:40	1	0	0	N	01	01	01	13	11	02	01
K	00008	12.65	28.48	2	0313052265	10/29/2013	06:44	3	0	0	N	05	01	01	13	11	02	01
K	00019	0.01	0.01	1	0313060925	12/22/2013	18:45	1	0	0	N	05	04	02	13	12	02	01
K		- 9999.9			0313061385	12/26/2013	09:54	5	0	1	N	01	01	01	13	11	03	01

2014

K	00008	3.22	3.22	1	0314002426	01/16/2014	07:34	5	0	1	N	01	01	01	13	11	03	01
K		- 9999.9			0314005466	02/04/2014	18:35	3	0	1	N	04	01	01	13	11	03	01
K	00008	3.25	3.25	1	0314015448	04/11/2014	13:53	6	0	0	N	01	01	01	13	08	02	01
K	00008	12.53	28.36	2	0314026084	06/08/2014	10:54	1	0	0	N	01	01	01	42	19	02	01
K	00008	3.25	3.25	1	0314026332	06/09/2014	12:50	2	0	0	N	01	01	01	13	11	02	01

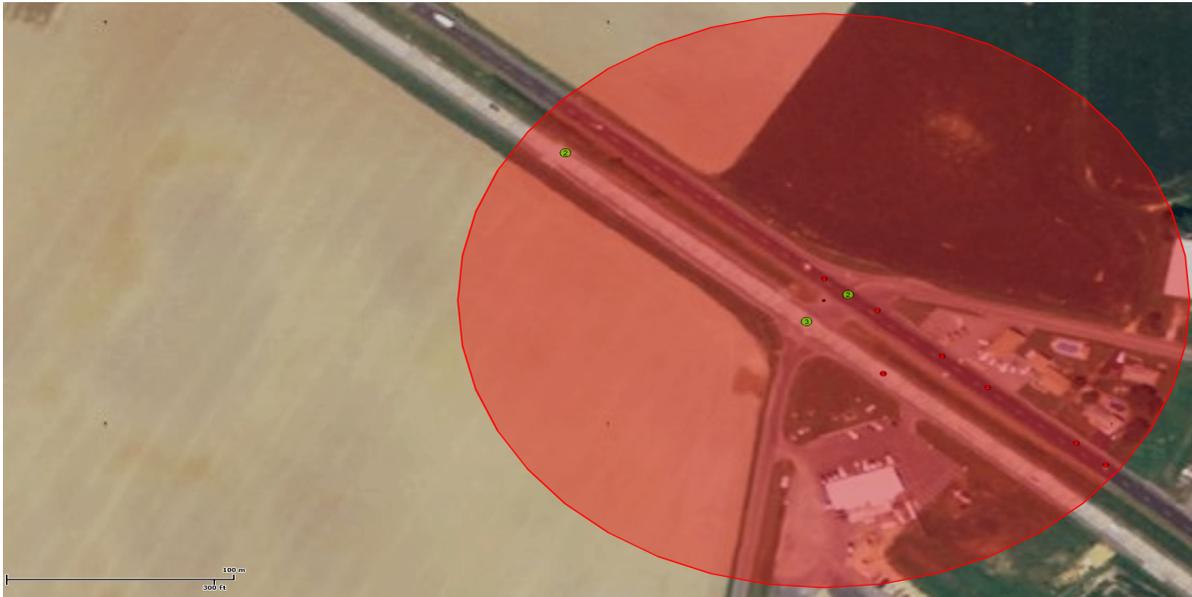
Report generated by TDTSDLR at 2014-09-19 10:45:59.97

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Report Legend**Cty - County****Rd - Maintenance Road****MP - Milepoint****C-MP - Continuous Milepoint****Dir - Direction of Highway****COMP/HQ# - Complaint Number/Headquarters Number****DAY - Day Of Week Code****Fat - Fatality****Inj - Injury****AL - Alcohol Involved****LC - Lighting Condition****WC - Weather Condition****SC - Surface Condition****MHE - Most Harmful Event****PC - Primary Contributing Circumstance****Class - Report Classification****MOI - Manner of Impact**

Delaware Crash Analysis Reporting System

Crash Study Time Period: 09-12-2011 to 09-12-2014
Query Type: singlePoint
Description: DE Route 1 @ Tubmill Pond Road and Milford Neck Road
Study Requested By: Linda Scott - DeIDOT Legal FOIA Emmett Venett
Study Generated By: TDTSDLR
Number of Crashes: 14
Includes Non-Reportable Crashes: N
Study Code:



State of Delaware Crash Study

Summary		Classification			Manner of Impact		
	# of Crashes		# of Crashes	% of Total Crashes		# of Crashes	% of Total Crashes
Total Crashes	14				Front to rear	4	28.57%
Fatal Crashes	0	Non-Reportable	0	0.00%	Front to front	0	0.00%
Total Alcohol-Related Crashes	1	Reportable	10	71.43%	Angle	2	14.29%
Total Non Alcohol-Related Crashes	13	Personal Injury	4	28.57%	Sideswipe, same direction	2	14.29%
Total Fatalities	0	Fatality	0	0.00%	Sideswipe, opposite direction	0	0.00%
Total Pedestrian Fatalities	0	Total	14		Rear to side	0	0.00%
Total Pedestrian Injuries	0				Rear to rear	0	0.00%
Total Pedestrian Crashes	0				Other	1	7.14%
Total Motorcycle Crashes	0				Unknown	1	7.14%
Total Pedalcyclist Crashes	0				Not a collision between two vehicles	4	28.57%
					Total	14	

Alcohol Related Crashes By Classification

	Non-reportable	Reportable	Personal Injury	Fatality	Total
Alcohol Related	0	1	0	0	1
Non-Alcohol Related	0	9	4	0	13
Total	0	10	4	0	14

Manner of Impact By Classification

	Non-Reportable	Reportable	Personal Injury	Fatality	Total
Front to rear	0	3	1	0	4
Front to front	0	0	0	0	0
Angle	0	0	2	0	2
Sideswipe, same direction	0	2	0	0	2
Sideswipe, opposite direction	0	0	0	0	0
Rear to side	0	0	0	0	0
Rear to rear	0	0	0	0	0
Other	0	1	0	0	1
Unknown	0	1	0	0	1
Not a collision between two vehicles	0	3	1	0	4
Total	0	10	4	0	14

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Day Of Week		
	# of Crashes	% of Total Crashes
Sunday	6	42.86%
Monday	1	7.14%
Tuesday	2	14.29%
Wednesday	1	7.14%
Thursday	0	0.00%
Friday	2	14.29%
Saturday	2	14.29%
Total	14	

Time Of Day (AM)		
	# of Crashes	% of Total Crashes
00:00 - 00:59	0	0.00%
01:00 - 01:59	2	14.29%
02:00 - 02:59	0	0.00%
03:00 - 03:59	0	0.00%
04:00 - 04:59	0	0.00%
05:00 - 05:59	0	0.00%
06:00 - 06:59	1	7.14%
07:00 - 07:59	1	7.14%
08:00 - 08:59	0	0.00%
09:00 - 09:59	0	0.00%
10:00 - 10:59	0	0.00%
11:00 - 11:59	0	0.00%
Total	4	

Time Of Day (PM)		
	# of Crashes	% of Total Crashes
12:00 - 12:59	1	7.14%
13:00 - 13:59	0	0.00%
14:00 - 14:59	3	21.43%
15:00 - 15:59	2	14.29%
16:00 - 16:59	2	14.29%
17:00 - 17:59	1	7.14%
18:00 - 18:59	0	0.00%
19:00 - 19:59	0	0.00%
20:00 - 20:59	1	7.14%
21:00 - 21:59	0	0.00%
22:00 - 22:59	0	0.00%
23:00 - 23:59	0	0.00%
Total	10	
Unknown Time	0	

Surface Conditions		
	# of Crashes	% of Total Crashes
Dry	12	85.71%
Wet	1	7.14%
Snow	1	7.14%
Ice/Frost	0	0.00%
Sand	0	0.00%
Water (standing, moving)	0	0.00%
Slush	0	0.00%
Oil	0	0.00%
Mud, Dirt, Gravel	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	14	

Lighting Conditions		
	# of Crashes	% of Total Crashes
Daylight	10	71.43%
Dawn	0	0.00%
Dusk	0	0.00%
Dark-Lighted	1	7.14%
Dark-Not Lighted	3	21.43%
Dark-Unknown Lighting	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	14	

Weather Conditions		
	# of Crashes	% of Total Crashes
Clear	9	64.29%
Cloudy	3	21.43%
Fog, Smog, Smoke	0	0.00%
Rain	1	7.14%
Sleet, Hail (freezing rain or drizzle)	0	0.00%
Snow	1	7.14%
Blowing Snow	0	0.00%
Severe Crosswinds	0	0.00%
Blowing Sand, Soil, Dirt	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	14	

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First Harmful Event		
	# of Crashes	% of Total Crashes
Overturn/Rollover, Non-Collision	0	0.00%
Fire/Explosion, Non-Collision	0	0.00%
Immersion, Non-Collision	0	0.00%
Jackknife, Non-Collision	0	0.00%
Cargo/Equipment Loss or Shift, Non-Collision	0	0.00%
Fell/Jumped From Motor Vehicle, Non-Collision	0	0.00%
Thrown or Falling Object, Non-Collision	0	0.00%
Other Non-Collision, Non-Collision	0	0.00%
Pedestrian, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Pedalcycle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Railway Vehicle (train, engine), Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Animal, Collision With Person, Motor Vehicle, or Non-Fixed	2	14.29%
Motor Vehicle in Transport, Collision With Person, Motor Vehicle, or Non-Fixed	9	64.29%
Legally Parked Motor Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Struck by Anything Set in Motion by Vehicle, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Work Zone / Maintenance Equipment, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Other Non-Fixed Object, Collision With Person, Motor Vehicle, or Non-Fixed	0	0.00%
Impact Attenuator/Crash Cushion, Collision With Fixed Object	0	0.00%
Bridge Overhead Structure, Collision With Fixed Object	0	0.00%
Bridge Pier or Support, Collision With Fixed Object	0	0.00%
Bridge Rail, Collision With Fixed Object	0	0.00%
Cable Barrier, Collision With Fixed Object	0	0.00%
Culvert, Collision With Fixed Object	0	0.00%
Curb, Collision With Fixed Object	0	0.00%
Ditch, Collision With Fixed Object	1	7.14%
Embankment, Collision With Fixed Object	0	0.00%
Guardrail Face, Collision With Fixed Object	0	0.00%
Guardrail End, Collision With Fixed Object	1	7.14%

Disclaimer for CARS: Crash data and associated police reports are intended for DelDOT use only and shall not be transmitted, copied, distributed or provided to any entity other than DelDOT unless written approval is received from the DelDOT Legal Section. Police reports are the property of the Delaware State Police.

Concrete Traffic Barrier, Collision With Fixed Object	0	0.00%
Other Traffic Barrier, Collision With Fixed Object	0	0.00%
Tree (standing), Collision With Fixed Object	0	0.00%
Utility Pole, Collision With Fixed Object	0	0.00%
Light Support, Collision With Fixed Object	0	0.00%
Traffic Sign Support, Collision With Fixed Object	0	0.00%
Overhead Sign Support, Collision With Fixed Object	0	0.00%
Traffic Signal Support, Collision With Fixed Object	0	0.00%
Fence, Collision With Fixed Object	0	0.00%
Mailbox, Collision With Fixed Object	0	0.00%
Other Post, Pole or Support, Collision With Fixed Object	0	0.00%
Other Fixed Object (wall, building, tunnel, etc.), Collision With Fixed Object	0	0.00%
Illegally Parked Motor Vehicle, Collision with person, vehicle, or object not fixe	0	0.00%
Stopped Motor Vehicle, Collision with person, vehicle, or object not fixe	1	7.14%
Unknown, Collision With Fixed Object	0	0.00%
Total	12	

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Primary Contributing Circumstance		
	# of Crashes	% of Total Crashes
Speeding	0	0.00%
Failed to yield right of way	3	21.43%
Passed Stop Sign	0	0.00%
Disregard Traffic Signal	0	0.00%
Wrong side or wrong way	0	0.00%
Improper passing	0	0.00%
Improper lane change	0	0.00%
Following too close	1	7.14%
Made improper turn	0	0.00%
Driving under the influence	2	14.29%
Driver inattention, distraction, or fatigue	3	21.43%
Driving in a careless or reckless manner	3	21.43%
Driving in an aggressive manner	0	0.00%
Improper backing	0	0.00%
Other improper driving	0	0.00%
Mechanical defects	0	0.00%
Animal in Roadway - Deer	2	14.29%
Animal in Roadway - Other Animal	0	0.00%
Other environmental circumstances - weather, glare	0	0.00%
Roadway circumstances - debris, holes, work zone,	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
Total	14	

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Driver Action		
	# of Drivers	% of Total Crashes
No Contributing Action	14	56.00%
Failed to yield right of way	3	12.00%
Ran Red Light	0	0.00%
Ran Stop Sign	0	0.00%
Disregard other traffic sign	0	0.00%
Disregard other road markings	0	0.00%
Exceeded authorized speed limit	0	0.00%
Driving too fast for conditions	0	0.00%
Made an improper turn	0	0.00%
Improper backing	0	0.00%
Wrong side or wrong way	0	0.00%
Followed to closely	2	8.00%
Failure to keep in proper lane	0	0.00%
Ran off roadway	2	8.00%
Operating vehicle in erratic, reckless, careless, negligent or aggressive manner	3	12.00%
Swerving or avoiding due to wind, slippery surface, vehicle, object, non-motorist in roadway, etc.	0	0.00%
Over-correcting/over-steering	0	0.00%
Improper Passing	0	0.00%
Other Contributing Action	1	4.00%
Unknown	0	0.00%
Total	25	

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CTY	RD	MP	C-MP	DIR	COMP/HQ#	Date	Time	Day	Fat	Inj	AL	LC	WC	SC	FHE	PC	Class	MOI
-----	----	----	------	-----	----------	------	------	-----	-----	-----	----	----	----	----	-----	----	-------	-----

2011

K	00119	3.93	3.93	1	0311032733	09/21/2011	14:22	4	0	0	N	01	01	01	13	02	02	99
K	00119	3.92	3.92	2	0311038013	10/30/2011	15:25	1	0	1	N	01	01	01	13	02	03	03
K	00008	5.69	5.69	1	0311039000	11/06/2011	07:17	1	0	0	N	01	02	01	12	17	02	88

2012

K	00008	5.68	5.68	1	0312010612	03/25/2012	01:56	1	0	0	Y	05	04	02	13	10	02	00
K	00008	5.77	5.77	1	0312022405	06/15/2012	12:43	6	0	0	N	01	01	01	13	11	02	04
K	00008	5.74	5.74	1	0312033495	08/19/2012	15:39	1	0	0	N	01	01	01	13	11	02	01
K	00008	5.77	5.77	1	0312033499	08/19/2012	16:23	1	0	0	N	01	01	01	42	12	02	01

2013

K	00008	10.04	25.87	2	0313000680	01/06/2013	01:10	1	0	1	N	04	02	01	28	10	03	00
K	00008	10.07	25.90	2	0313017466	04/20/2013	17:27	7	0	0	N	01	01	01	13	11	02	04
K	00119	3.92	3.92	2	0313023944	05/28/2013	14:32	3	0	1	N	01	02	01	13	02	03	03
K	00008	9.9	25.73	2	0313054194	11/09/2013	20:12	7	0	0	N	05	01	01	12	17	02	00

2014

K		- 9999.9			0314011516	03/17/2014	06:44	2	0	0	N	05	06	03	25	12	02	00
K	00008	5.83	5.83	1	0314029615	06/24/2014	16:54	3	0	0	N	01	01	01	13	12	02	01
K	00008	9.91	25.74	2	0314039390	08/08/2014	14:59	6	0	1	N	01	01	01	13	08	03	01

Report generated by TDTSDLR at 2014-09-19 10:28:20.728

Report Legend

Cty - County
Rd - Maintenance Road
MP - Milepoint
C-MP - Continuous Milepoint
Dir - Direction of Highway
COMP/HQ# - Complaint Number/Headquarters Number
DAY - Day Of Week Code
Fat - Fatality
Inj - Injury
AL - Alcohol Involved
LC - Lighting Condition
WC - Weather Condition
SC - Surface Condition
MHE - Most Harmful Event
PC - Primary Contributing Circumstance
Class - Report Classification
MOI - Manner of Impact

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Route 1 Revisited

Submitted by Emmett Venett



an EV photo

Statistics obtained from DMV

Junction Route 1/Thompsonville Rd

- Number of accidents
 - 26 with 6 injuries

Junction Route 1/10th Street and Front Street

- Number accidents Front Street
 - 12 with 7 injuries
- Number of accidents 10th Street
 - 16 with 8 injuries

Congestion?



Children at Risk

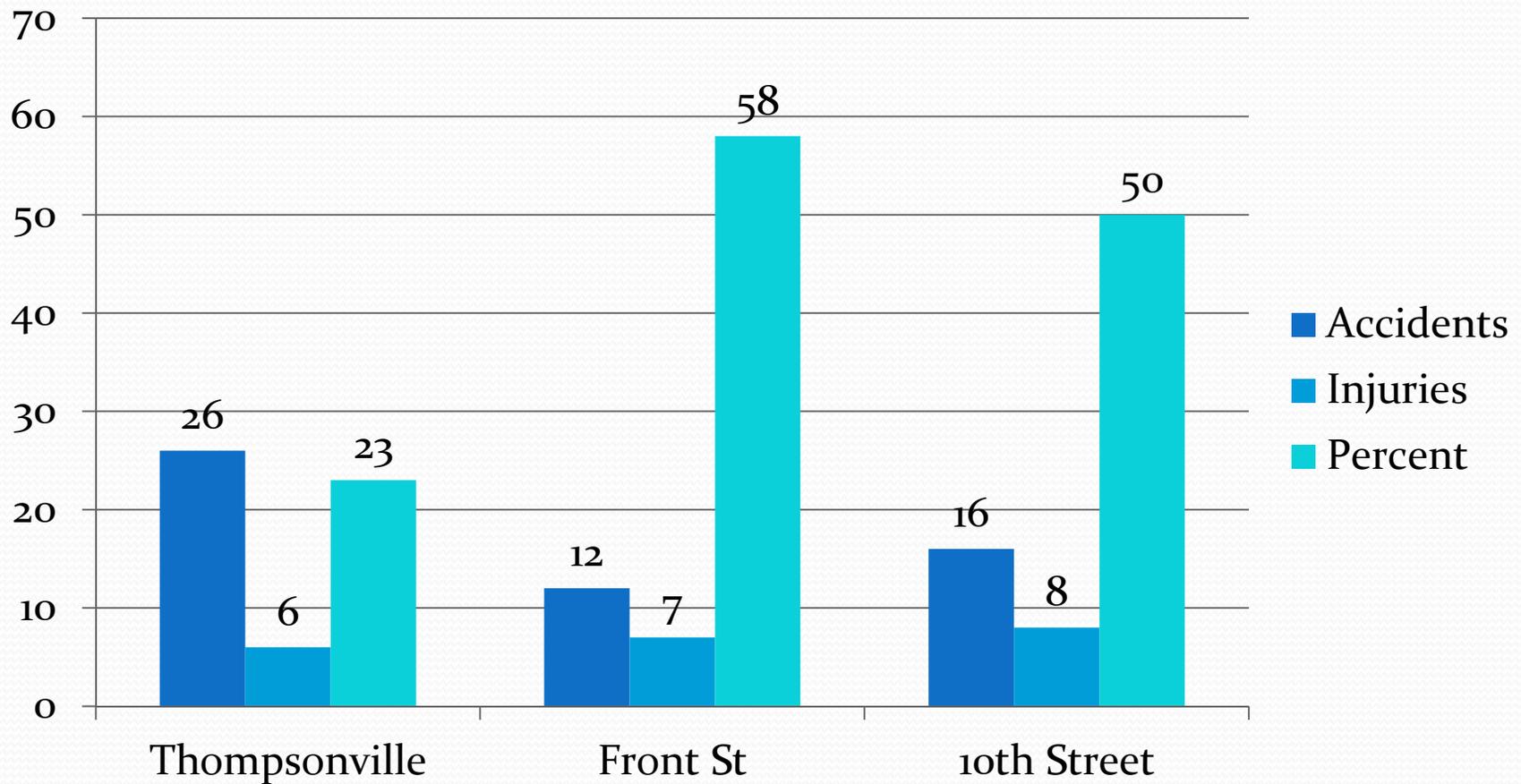


Right of Way

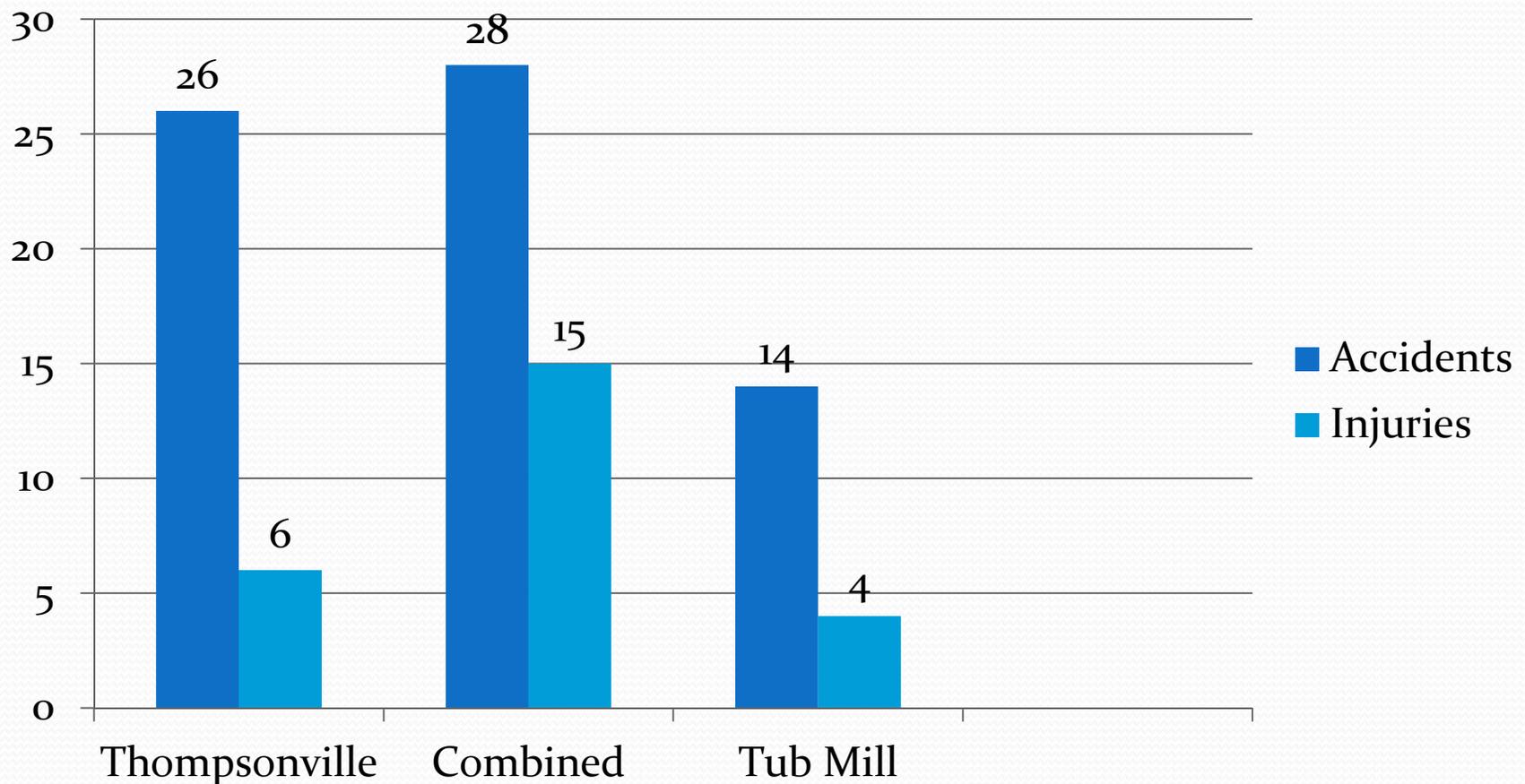


an EV photo

Number Accidents/Injuries/Percent



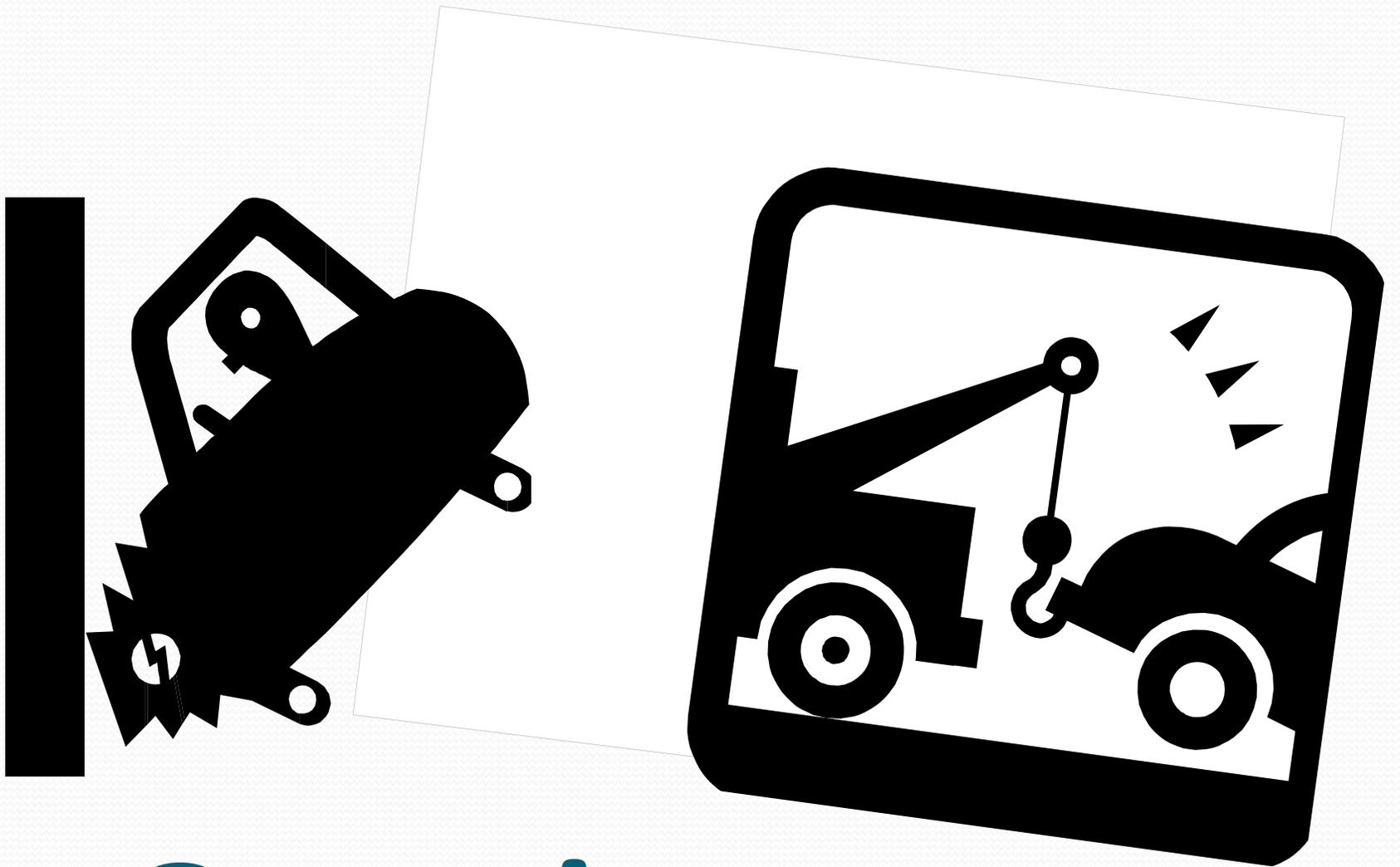
Combined 10th St/Front St vs Thompsonville and Tub Mill



Summation

Overpass
requested would
reduce the
accidents at both
10th Street/Front
Street





Questions:

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

ORDINANCE 2014-18

CHAPTER 204 - TAXATION

ARTICLE I - Tax Relief for Senior Citizens

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

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

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

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

§ 204-3. - Written application; filing.

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

§ 204-4. - Continued exemptions.

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

§ 204-5. - Appeals.

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

REMOVE:

ARTICLE II - Exemption of New Improvements Added to Property

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

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

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

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

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

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

~~§ 204-9. - Appeals:~~

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

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

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

~~§ 204-11. - Penalties:~~

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

RENUMBER:

ARTICLE II – Authority to exempt real property from taxation.

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

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

ARTICLE III – Annual Tax Bill.

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

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

§ 204-10. To every tax not paid after the said date established in 204-9, there shall be added and collected a penalty, for each month that said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in 204-9 for the addition and collection of penalties.

ARTICLE IV- Supplemental Assessments and Tax Bills

§204-11. Supplemental Assessment Required.

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

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

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

§204-12. - Assessment Appeals.

A. Appeal date deadlines

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

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

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

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

PUBLIC NOTICE
Notice of City of Milford Ordinance Review

The following ordinance is currently under review by Milford City Council:

An Ordinance of the City of Milford Amending Section 2.03 of
Chapter 165, Parks and Recreation, Relating to Alcohol in the Park.

Ordinance 2014-14
Chapter 165-Parks and Recreation

WHEREAS, the Council of the City of Milford adopted Ordinance 2014-10, entitled Parks and Recreation, for the purpose of providing necessary regulations, conditions and requirements which shall be uniformly applied to the general use of city parks; and

WHEREAS, the Milford City Council desires to adopt revised rules governing the city parks; and

WHEREAS, the use of alcohol in city parks is currently banned by ordinance; and

WHEREAS, the City Council desires to amend the Parks and Recreation Ordinance to allow the use of alcohol on park property for a special event; and

WHEREAS, recognizing that special events enhance the quality of life for residents and visitors, as well as provide substantial economic benefits, it is deemed to be in the best interest of the City of Milford to allow alcoholic beverages in the parks with the proper approvals and by requiring event identifications; and

WHEREAS, a new Milford Dog Park opened on November 1, 2014 for the further use and enjoyment of the public; and

WHEREAS, the City Council desires to update its established rules regarding permissible and prohibited activities in the City Dog Park.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. An Ordinance to Amend Article II-Parks and Recreational Rental Rules and Regulations-of the Parks and Recreation Code of the City of Milford by adding an exception to the alcohol prohibition.

Section 2. §2.03(d) is hereby amended by adding (1)(a), (1)(b) and (1)(c) as stated below:

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

(1) Exception.

(a) Alcoholic beverages may be sold and consumed at special events in parks only upon application to and approval of the City Council and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.

(b) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the

- special event in the park.
- (c) Alcoholic beverages are prohibited on city streets and sidewalks beyond the boundaries of the designated special event area as posted by the event organizer.

Section 3. Article IV. Penalty for Violations. Article IV is hereby renumbered as Article V.

Section 4. Article IV. A new Article IV, entitled Milford Dog Park, is adopted as follows:

Article IV. Milford Dog Park

§4.01. There is hereby established within the City of Milford a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an owner/handler who is competent and knowledgeable relative to the behavior of said dog(s).

§4.02. As a condition of entering the Milford Dog Park, dog owners and handlers must read and agree to be bound by the following rules and regulations:

- (a) Park is open sunrise to sunset only.
- (b) All dogs must be licensed and wear current license and vaccine tags.
- (c) Dog owners/handlers assume all risks for injury or loss of any kind to themselves and their dogs.
- (d) Dog owners/handlers are legally responsible for any damage caused by the dog.
- (e) Dogs must be on a leash and under control at all times outside the fenced area.
- (f) Owners/handlers must carry a leash at all times and closely supervise their dogs. At no time may the owner/handler exit the fenced area without his/her dog(s).
- (g) Only people with dogs are permitted in the fenced area.
- (h) Each owner/handler must be above the age of 13 and shall not supervise more than two dogs while in the park.
- (i) Excessive barking is prohibited; dogs barking excessively must be removed.
- (j) Dogs exhibiting aggressive behavior are to be removed immediately.
- (k) Any waste left by the dog must be picked up immediately and properly disposed of in the containers provided. Owners/handlers may bring use old grocery sacks/bags.
- (l) Owners/custodians must fill any holes created by their dogs and report any observations of gaps or weaknesses in the boundary fencing to the Parks and Recreation Department.
- (m) No human or dog food, including treats, are allowed in the park for any reason.
- (n) Prohibited from entering the park are dogs with sickness, female dogs in heat, puppies under four months of age and all other domestic animals.
- (o) Smoking is strictly prohibited in the park.

§4.03. Infraction of the rules as stated in §4.02 may result in temporary or permanent loss of park privileges. All other state and local laws apply.

Section 5. Dates.

Introduction 11/24/14

Adoption (Projected) 12/08/14

Additional information is available through the City of Milford website at cityofmilford.com or by contacting the City of Milford Offices at 302-424-3712.

Ordinance 2014-15
Chapter 193-Solid Waste Management

AN ORDINANCE APPROVING AN AMENDMENT TO ARTICLE III YARD WASTE OF CHAPTER 193 SOLID WASTE MANAGEMENT OF THE CODE OF THE CITY OF MILFORD.

WHEREAS, the City of Milford, mindful of its responsibilities to protect and maintain the public health, safety and welfare of its residents, provides for the collection of solid waste materials; and

WHEREAS, the City currently limits yard waste collection beginning on April 1st and ending October 31st of each year; and

WHEREAS, the City is willing to provide yard waste collection on an every-other-week basis as a year-round service to its solid waste customers; and

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by removing the time limitation for yard waste collection and changing it to a year-round service.

Section 2. Article III Yard Waste, Section 193-14A, Collection Procedures is hereby amended to read as follows:

ARTICLE III YARD WASTE

193-14. Collection Procedures

A. The city will ~~provide for the collection of~~ **collect** yard waste, ~~from April 1 through October 31 of each year~~, provided that such yard waste is deposited into the yard waste containers issued by the city. Disposal of yard waste that will not fit into the container shall be the responsibility of the property owner.

Section 3. Article III Yard Waste, Section 193-15A & Section 193-15B, Collection & Rate Schedule, is hereby amended to read as follows:

193-15. Collection & Rate Schedule.

A. The City will collect yard waste as described in Section 193-~~10A~~ 14A once every other week.

B. The loose leaf curbside collection as described in Section 193-~~10A~~ 14B will be collected once each week.

Section 4. Dates

Adopted November 24, 2014

Effective December 4, 2014

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

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

Thank You,

Don Williams

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

Don,

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

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

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

Rebecca C. Quinn, CFM
RCQuinn Consulting, Inc.
104 4th St NE #2
Charlottesville VA 22902
434-296-1349 (voice)
443-398-5005 (cell)
320-514-3513 (FAX)

Chapter 130
FLOODPLAIN MANAGEMENT

ARTICLE I
General Provisions

- § 130-1. Intent.
- § 130-2. Abrogation and greater restrictions.
- § 130-3. Applicability.
- § 130-4. Definitions.

ARTICLE II
Establishment of Floodplain Area

- § 130-5. Identification.
- § 130-6. Description.
- § 130-7. Changes in delineation of area.
- § 130-8. Boundary disputes.

ARTICLE III
Utilization of Floodplain Area

- § 130-9. Permitted uses.
- § 130-10. Encroachments.
- § 130-11. Alteration or relocation of watercourse.

ARTICLE IV
Criteria for Building and Site Plan Approval

- § 130-12. Building permit required.
- § 130-13. Basic permit format.

- § 130-14. Elevation and floodproofing information.
- § 130-15. Site plan criteria.

ARTICLE V
Specific Requirements

- § 130-16. Design and construction standards.

ARTICLE VI
Administration

- § 130-17. Permit and site plan approval required.
- § 130-18. Approval of permits and plans; records.
- § 130-19. Application procedures.
- § 130-20. Consent required for changes.
- § 130-21. Placards.
- § 130-22. Start of construction.
- § 130-23. Inspections; revocation of permit.
- § 130-24. Fees.

ARTICLE VII
Appeals and Penalties

- § 130-25. Appeals.
- § 130-26. Appeal review criteria.
- § 130-27. Violations and penalties.

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

GENERAL REFERENCES

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

Zoning — See Ch. 230.

ARTICLE I
General Provisions

§ 130-1. Intent.

The intent of this chapter is to:

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

§ 130-2. Abrogation and greater restrictions.

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

§ 130-3. Applicability.

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

§ 130-4. Definitions.

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

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

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

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

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

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

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

FLOODPLAIN:

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

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

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

HISTORIC STRUCTURE — Any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II

Establishment of Floodplain Area

§ 130-5. Identification.

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

§ 130-6. Description.

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

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

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

§ 130-7. Changes in delineation of area.

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

§ 130-8. Boundary disputes.

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

ARTICLE III
Utilization of Floodplain Area

§ 130-9. Permitted uses.

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

§ 130-10. Encroachments.

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

§ 130-11. Alteration or relocation of watercourse.

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

ARTICLE IV

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

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

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

§ 130-13. Basic permit format.

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

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

§ 130-14. Elevation and floodproofing information.

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

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

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

§ 130-15. Site plan criteria.

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

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

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

ARTICLE V
Specific Requirements

§ 130-16. Design and construction standards.

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

A. Basements and lowest floors.

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

B. Manufactured home placement.

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

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

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

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

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

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

ARTICLE VI Administration

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

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

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

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

§ 130-19. Application procedures.

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

§ 130-20. Consent required for changes.

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

§ 130-21. Placards.

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

§ 130-22. Start of construction.

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

§ 130-23. Inspections; revocation of permit.

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

§ 130-24. Fees.

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

ARTICLE VII
Appeals and Penalties

§ 130-25. Appeals.

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

§ 130-26. Appeal review criteria.

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

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

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

§ 130-27. Violations and penalties.²

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

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

FLOOD DAMAGE REDUCTION ORDINANCE
CITY OF MILFORD, DELAWARE

ORDINANCE NO. 2014-16

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

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

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

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

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

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

SECTION 1. This ordinance specifically repeals and replaces Chapter 130 Floodplain Management with the following:.

ARTICLE I - GENERAL PROVISIONS

§ 130-1. Findings.

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

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

§ 130-2. Statement of Purpose.

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

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

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

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

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

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

- (A) The FEMA Flood Insurance Study for Sussex County, Delaware and Incorporated Areas dated March 16, 2015 and all subsequent amendments and/or the most recent revision thereof.
- (B) The FEMA Flood Insurance Rate Map for Sussex County, Delaware and Incorporated Areas dated March 16, 2015, and all subsequent amendments and/or the most recent revision thereof.
- (C) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate

100-year floodplains, floodways or other areas of special flood hazard.

(D) The City of Milford may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

(E) Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at 210 S Walnut Street, Milford DE 19963, City Hall, Delaware.

§ 130-5. Abrogation and Greater Restrictions.

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

§ 130-6. Interpretation.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body;

(C) Deemed neither to limit nor repeal any other powers granted under state statutes; and

(D) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence, where more restrictive.

§ 130-7. Warning and Disclaimer of Liability.

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

§ 130-8. Severability.

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

ARTICLE II - DEFINITIONS

§ 130-9. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood Damage-Resistant Materials: Any construction material capable of withstanding direct and

prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 - Flood Damage-Resistant Materials Requirements and FEMA Technical Bulletin #8 - Corrosion Protection for Metal Connectors in Coastal Areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port

facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic Structure: Any structure that is:

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

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

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

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

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

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

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

Manufactured Home: A structure, transportable in one or more sections, which is built on a

permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

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

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

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

Start of Construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

ARTICLE III - ADMINISTRATION

§ 130-10. Designation of the Floodplain Administrator.

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

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

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

- (A) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.
- (B) Interpret floodplain boundaries and provide flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding.
- (D) Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.
- (E) Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such notifications to the Federal Emergency Management Agency.
- (F) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.
- (G) Inspect buildings and lands to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (H) Review submitted Elevation Certificates for completeness.
- (I) Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the City of Milford, corrections to labeling or planimetric details, etc.
- (J) Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions

taken for violations of these regulations.

(K) Enforce the provisions of these regulations.

(L) Assist with and coordinate flood hazard map maintenance activities.

(M) Conduct determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been substantially damaged.

(N) Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.

(O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.

(P) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Milford have been modified.

§ 130-12. Permits Required.

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

§ 130-13. Application Required.

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

(A) Application Contents.

At a minimum, applications shall include:

(1) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.

(2) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as "Construction Drawings").

(3) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood

elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section § 130-13(B). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from other sources, or to determine such information using accepted engineering practices.

(4) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by § 130-19(D).

(5) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.

(6) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:

(a) Documentation of the market value of the structure before the improvement is started or before the damage occurred.

(b) Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.

(7) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations:

(a) Floodproofing Certificate for dry floodproofed non-residential structures, as required in § 130-29.

(b) Certification that flood openings that do not meet the minimum requirements of § 130-28(B)(3)(b) are designed to automatically equalize hydrostatic flood forces.

(c) Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in § 130-31(C).

(d) Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by § 130-31(B).

(e) Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by § 130-31(A).

(f) Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by § 130-20(D) or otherwise required by the Floodplain Administrator.

(B) Right to Submit New Technical Data.

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

(C) Requirement to Submit New Technical Data.

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

§ 130-14. Review, Approval or Disapproval.

(A) Review

The Floodplain Administrator shall:

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

(B) Approval or Disapproval.

The Floodplain Administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain Administrator shall disapprove applications for proposed development that do not comply with the applicable provisions of these regulations and shall notify the applicant of such disapproval, in writing, stating the reasons for disapproval.

(C) Expiration of Permit.

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

§ 130-15. Inspections.

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

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

(E) Storage of materials.

§ 130-17. Submissions Required Prior to Issuance of a Certificate of Occupancy.

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

(A) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as "Finished Construction").

(B) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on "Finished Construction" (identified in Section II).

(C) For all development activities subject to the requirements of § 130-13(B), a Letter of Map Revision shall be provided.

§ 130-18. Flood Insurance Rate Map Use and Interpretation.

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

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

(B) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations, and floodway boundaries by any other source that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations.

(C) Other sources of data shall be reasonably used, with the approval of the Floodplain Administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.

(D) Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area shall be considered as special flood hazard area.

ARTICLE IV - REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

§ 130-19. Application of Requirements.

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

§ 130-20. Subdivisions and Developments.

(A) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

(B) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to flood damage.

(D) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base

flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 130-21. Protection of Water Supply and Sanitary Sewage Systems.

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

§ 130-22. Buildings and Structures.

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

- (A) Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation, including hydrodynamic and hydrostatic loads and the effects of buoyancy.
- (B) Be constructed by methods and practices that minimize flood damage.
- (C) Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA Technical Bulletin #2 - Flood Damage-Resistant Materials Requirements and FEMA Technical Bulletin #8 - Corrosion Protection for Metal Connectors in Coastal Areas.
- (D) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the base flood elevation plus 18". Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 - Elevator Installation.
- (E) As an alternative to § 130-22(D), electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood.
- (F) Meet the specific requirements of Article V.
- (G) In a special flood hazard area with more than one designation (Zones A, AE, and AO, floodway), meet the requirements of the most restrictive designation.

§ 130-23. Fill.

- (A) Disposal of fill, including but not limited to rubble, construction debris, woody debris,

and trash, shall not be permitted in special flood hazard areas.

(B) Where permitted by Article V (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:

(1) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency.

(2) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.

(3) Consist of soil or rock materials only.

(4) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.

(5) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.

(C) Fill placed for a purpose other than to support a building or structure shall meet the requirements of § 130-23(B)(2) through (B)(5).

§ 130-24. Historic Structures.

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

§ 130-25. Recreational Vehicles.

(A) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

(B) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of § 130-28(C) for manufactured homes.

§ 130-26. Gas or Liquid Storage Tanks.

(A) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(B) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation plus 18 inches or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(C) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

ARTICLE V - SPECIFIC REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS

§ 130-27. General Requirements.

In addition to the general requirements of Article IV, the requirements of this section apply to all

development proposed in special flood hazard areas.

§ 130-28. Residential Structures and Residential Portions of Mixed Use Structures.

(A) Elevation Requirements

(1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus 18 inches.

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

(3) Enclosures below the lowest floor shall meet the requirements of § 130-28(B).

(B) Enclosures Below the Lowest Floor

(1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawlspaces, or limited storage.

(2) Enclosures below the lowest floor shall be constructed using flood damage-resistant materials. See FEMA Technical Bulletin #2 - Flood Damage-Resistant Materials Requirements.

(3) Enclosures below the lowest floor (including crawlspaces) shall be provided with flood openings which shall meet the following criteria (see FEMA Technical Bulletin #1 - Openings in Foundation Walls and Walls of Enclosures):

(a) There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the base flood elevation, each area shall have openings on exterior walls.

(b) The total net area of all openings shall be at least 1 square inch for each square foot of enclosed area, or the openings shall be designed and certified by a registered engineer or architect to provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.

(c) The bottom of each opening shall be 1 foot or less above the adjacent ground level.

(d) Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.

(e) Where installed in doors and windows, openings that meet requirements of § 130-28(B)(3)(a) through (d), are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

(4) Crawlspaces shall have the finished interior ground level equal to or higher than the outside finished ground level on at least one entire side of the foundation wall.

(C) Manufactured Homes

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

(1) Be elevated on a permanent, reinforced foundation that raises the lowest floor to or above the base flood elevation plus 18 inches and is otherwise in accordance with § 130-28(A).

(2) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.

(3) Have enclosures below the elevated manufactured home, if any, meet the requirements of § 130-28(B).

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

§ 130-29. Nonresidential Structures and Nonresidential Portions of Mixed Use Structures.

(A) Elevation Requirements

(1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus 18 inches or the structure shall be dry floodproofed in accordance with § 130-29(B).

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

(3) Enclosures below the lowest floor, if not dry floodproofed, shall meet the requirements of § 130-28(B).

(B) Dry Floodproofing Requirements

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

(1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation plus 18 inches. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus 18 inches, or at least 3.5 feet if a depth number is not specified.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Be certified by a licensed professional engineer or licensed professional architect with a Floodproofing Certificate, that the design and methods of construction meet the requirements of this section. Refer to FEMA Technical Bulletin #3 - Non-Residential Floodproofing - Requirements and Certification for guidance.

§ 130-30. Accessory Structures.

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

(A) Useable only for parking or limited storage;

(B) Constructed with flood damage-resistant materials below the base flood elevation;

(C) Constructed and placed to offer the minimum resistance to the flow of flood waters;

(D) Firmly anchored to prevent flotation, collapse, and lateral movement;

(E) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation plus 18 inches; and

(F) Equipped with flood openings that meet the requirements of § 130-28(B).

(G) For guidance, see FEMA Technical Bulletin #7 - Wet Floodproofing Requirements.

§ 130-31. Protection of Flood-Carrying Capacity.

(A) Development in Floodways

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

Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

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

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

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

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

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

(C) Deliberate Alterations of a Watercourse

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

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

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

- (1) Documentation of compliance with § 130-31(A) if the alteration is in a floodway or § 130-31(B) if the alteration is in a watercourse with base flood elevations but no floodway.
- (2) A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.

- (3) A certification by a licensed professional engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.
- (4) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.
- (5) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Milford specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

ARTICLE VI - VARIANCES

§ 130-32. Variances.

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

(A) Application for a Variance

- (1) Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
- (2) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in § 130-32(B) and the limitations and conditions of § 130-32(C).

(B) Considerations for Variances

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

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

vehicles.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

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

(C) Limitations for Variances

(1) An affirmative decision on a variance request shall only be issued upon:

(a) A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.

(b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.

(c) Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

(d) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.

(e) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

(f) A determination that the structure or other development is protected by methods to minimize flood damages.

(g) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the Board of Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

(3) The Board of Appeals shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

ARTICLE VII - ENFORCEMENT

§ 130-33. Compliance Required.

(A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.

(B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with § 130-35.

(C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

§ 130-34. Notice of Violation.

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

§ 130-35. Violations and Penalties.

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

SECTION 3. APPLICABILITY.

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

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces Chapter 130, Floodplain Management.

SECTION 5. EFFECTIVE DATE.

Introduced: 11-10-2014

Adopted (Projected): 11-24-2014

Chapter 88

BUILDING CONSTRUCTION

- | | | | |
|--------------------------------|------------------------------------|------------|-----------------------------|
| Article I | | § 88-8. | Membership of the board. |
| International Residential Code | | § 88-8.1. | Alternate members. |
| § 88-1. | Adoption of code. | § 88-8.2. | Chairman. |
| § 88-2. | Additions, insertions and changes. | § 88-8.3. | Disqualification of member. |
| Article II | | § 88-8.4. | Secretary. |
| International Building Code | | § 88-8.5. | Compensation of members. |
| § 88-3. | Adoption of code. | § 88-9. | Application for appeal. |
| § 88-4. | Additions, insertions and changes. | § 88-9.1. | Hearing fee. |
| § 88-5. | Reserved. | § 88-10. | Notice of meeting. |
| Article III | | § 88-11. | Open hearing. |
| Board of Appeals | | § 88-11.1. | Procedure. |
| § 88-6. | General. | § 88-12. | Postponed hearing. |
| § 88-7. | Limitations on authority. | § 88-13. | Board decision. |
| | | § 88-13.1. | Records and copies. |
| | | § 88-13.2. | Administration. |
| | | § 88-14. | Court review. |
| | | § 88-15. | Stays of enforcement. |

[HISTORY: Adopted by the City Council of the City of Milford 10-22-2007 by Ord. No. 2007-10.¹ Amendments noted where applicable.]

GENERAL REFERENCES

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

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

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

ARTICLE I

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

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

§ 88-2. Additions, insertions and changes.

The following sections or portions are hereby revised as follows:

A. Chapter 1, Administration.

(1) Section R105, Permits.

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

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

(3) Section R108, Fees.

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

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

(4) Section R112, Board of Appeals.

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

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

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

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

B. Chapter 2, Definitions. Adopt without changes.

C. Chapter 3, Building Planning.

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

Climatic And Geographic Design Criteria

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

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

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

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

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

D. Chapter 4, Foundations.

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

Exceptions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AA. Part IX, Referenced Standards.

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

BB. Appendices.

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

ARTICLE II

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

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

§ 88-4. Additions, insertions and changes.

The following sections or portions are hereby revised as follows:

A. Chapter 1, Administration.

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

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

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

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

- (4) Section 108, Fees.
 - (a) Add: **108.2.1. Fee Schedule.** A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council.
 - (b) Add: **108.4.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be \$100 plus the permit fee or double the normal permit fee, whichever is less.
- (5) Section 112, Board of Appeals.

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

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

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

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

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

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

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

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

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

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

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-7. Limitations on authority.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8. Membership of the board.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8.1. Alternate members.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8.2. Chairman.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8.3. Disqualification of member.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8.4. Secretary.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-8.5. Compensation of members.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-9. Application for appeal.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-9.1. Hearing fee.

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

International Residential Code: \$ 300.00

International Building Code: \$1,000.00

International Property Maintenance Code: \$ 300.00

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-10. Notice of meeting.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-11. Open hearing.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-11.1. Procedure.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-12. Postponed hearing.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-13. Board decision.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-13.1. Records and copies.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-13.2. Administration.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-14. Court review.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

§ 88-15. Stays of enforcement.

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

[Ord. No. 2011-22, § 5, 9-26-2011]

Ordinance 2014-17
Chapter 88-Building Construction

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

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

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

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

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

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

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

C. Chapter 3 Building Planning

(1) TABLE R301.2(1)

Climatic and Geographic Design Criteria

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

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

P. Chapter 16, Structural Design.

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

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

Section 4. Dates.

Introduction 11-10--2014

Adoption (Projected) 11-24-2014

PUBLIC NOTICE
Notice of City of Milford Ordinance Review

The following ordinance is currently under review by Milford City Council:

ORDINANCE 2014-13
Chapter 190-Smoking Prohibited in City Parks, Building and Facilities

AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and

WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and

WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and

WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and

WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definitions.

§ 190-2 Smoking prohibited.

§ 190-3 Park Conditions.

§ 190-4 Enforcement and Civil Penalties.

§ 190-5 Payment.

§ 190-6. Procedure to Contest a Violation.

§ 190-1 Definitions.

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

Building: Free-standing structure enclosed by a floor, ceiling and walls on all sides that are continuous and solid except for closeable entry and exit doors and windows.

Open-Air Facility: Structure that is not fully enclosed but may be partially enclosed (for example, structures with open sides).

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

~~Smoking: The combustion in any cigar, cigarette, pipe, or any other similar article or any device, of tobacco or other combustible substance.~~

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or tobacco like products in any manner or form.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park
- b. Bicentennial Park
- c. Marshall Pond Park
- d. Marvel Square Park
- e. Memorial Park South
- f. Tony Silicato Memorial Park
- g. Library Square
- h. Milford Library Amphitheater
- I. Goat Island
- j. Mispillion Riverwalk
- k. Milford Dog Park

(B) Smoking is prohibited at all parks and playground areas owned by the city and open to the public.

(1) Exception.

- a. Land owned by the City of Milford and used by Milford Little League.

Policy will be established and enforced by Milford Little League Board of Directors and/or designee.

(C) Smoking is prohibited in a building or ***open-air*** facility owned, leased or operated by the City of Milford.

§ 190-3 Park Conditions.

A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.

§ 190-4 Enforcement and Civil Penalties.

(A) The Milford Police Department shall enforce this chapter.

(B) Any person observed violating this chapter who has not been issued a written warning, shall be issued a verbal warning for a first offense.

(C) Any person who has received a written warning and is observed violating this chapter, shall be subject to a civil penalty of \$25 beginning with the second violation and not less than \$50 for each subsequent violation.

(D) Milford Police Officers, City Code Officials and the Parks and Recreation Director shall have the authority to eject from a park facility any person observed violating this chapter.

(E) The name of any person issued a verbal warning shall be immediately reported to the Milford Police Department.

§190-5 Payment.

All payments for civil penalties received under this chapter shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.

§190-6 Procedure to Contest a Violation.

Persons who wish to contest the validity of a smoking violation under this chapter may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

Section 3. Dates.

Introduction: 11/24/2014

Adoption: 12/08/2014 (Projected)

Additional information is available through the City of Milford website at cityofmilford.com or by contacting the City of Milford Offices at 302-424-3712.

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 18, 2014

A Meeting of the Police Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, November 18, 2014.

PRESIDING: Chairman Douglas Morrow, Sr.

IN ATTENDANCE: Police Committee/Council Members S. Allen Pikus and Katrina Wilson

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

Chairman Morrow called the Police Committee Meeting to order at 6:01 p.m.

Ordinance 2014-13/New Chapter 190/Smoking Prohibited in City Parks, Buildings and Facilities

Mr. Morrow said the purpose of the meeting is to review and discuss the following ordinance:

AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and

WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and

WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and

WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and

WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definitions.

§ 190-2 Smoking prohibited.

§ 190-3 Park Conditions.

§ 190-4 Enforcement and Civil Penalties.

§ 190-5 Payment.

§ 190-6. Procedure to Contest a Violation.

§ 190-1 Definitions.

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

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

Smoking: The combustion in any cigar, cigarette, pipe, or any other similar article or any device, of tobacco or other combustible substance.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park*
- b. Bicentennial Park*
- c. Marshall Pond Park*
- d. Marvel Square Park*
- e. Memorial Park South*
- f. Tony Silicato Memorial Park*
- g. Library Square*
- h. Milford Library Amphitheater*
- I. Goat Island*
- j. Mispillion Riverwalk*
- k. Milford Dog Park*

(B) Smoking is prohibited at all parks and playground areas owned by the city and open to the public.

(C) Smoking is prohibited in a building or facility owned, leased or operated by the City of Milford.

§ 190-3 Park Conditions.

A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.

§ 190-4 Enforcement and Civil Penalties.

(A) The Milford Police Department shall enforce this chapter.

(B) Any person who violates any provision of this chapter shall be subject to a civil penalty of \$25 beginning with the second violation and not less than \$50 for each subsequent violation.

(C) City Code Officials and the Parks and Recreation Director shall have the authority to eject from a park facility any person in violation of this chapter.

§190-5 Payment.

All payments for civil penalties received under this chapter shall be delivered to the Milford Police Department (payable to the City of Milford) within thirty (30) days after receipt.

§190-6 Procedure to Contest a Violation.

Persons who wish to contest the validity of a smoking violation under this chapter may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

Chairman Morris asked for recommendations of the committee members. Mr. Pikus recommended adding police officers to Section 190-4(C):

(C) Milford Police Officers, City Code Officials and the Parks and Recreation Director shall have the authority to eject from a park facility any person in violation of this chapter.

Mr. Morrow confirmed the list of parks is complete and asked if the buildings should also be listed individually. The city clerk recalled when Councilman Brooks talking about city council banning smoking in city buildings a number of years ago. Mr. Carmean agreed though he does not believe the intent was to ban smoking outside city buildings even though it is prohibited in the parks.

Ms. Wilson agrees that could be a problem and employees that smoke would then have to leave the grounds.

Mr. Morrow feels there may be some confusion about a building versus a facility. City Manager Carmean explained that a facility would be a pumping station, treatment plants, etc. Mr. Morrow asked if the entire ground that public works sits on would be considered a facility. Mr. Carmean feels that involves buildings where people work on a regular basis. Mr. Morrow asked if the wash bays and garages are considered facilities and whether the parking lots should be included. Mr. Carmean feels the parking lot is considered land and not a facility.

It was agreed to add a definition for building and facility.

In regard to the penalties, Mr. Morrow recalled a previous discussion relating to the alarm ordinance and asked if this is appropriate. Chief Hudson explained that initially a violation of the alarm ordinance was being handled as a criminal offense but was change to a civil penalty. This ordinance treats the smoking violations as a civil matter.

It was confirmed that Mr. Rutt reviewed the ordinance.

Mr. Morrow asked if the fines are large enough to cover the costs of prosecution. Chief Hudson explained that one \$25 fine will not cover the costs of an officer. However, in most cases, the fine is paid without a court appearance.

Ms. Wilson pointed out that we are doing this because of health, clean air issues and littering. Chief Hudson explained that anyone observed smoking will initially be given a verbal warning. Mr. Morrow said he does not want this to cost the city more than they will collect in fines. He believes the \$25 fine is too low.

Mr. Morrow then noted that the first violation is a warning though the ordinance does not state that. Mr. Pikus stated that any person that violates a provision of this chapter will be subject to a civil penalty of \$25 beginning with the second violation. He feels that they are already receiving a warning because the posted sign will state no smoking is allowed. If they refuse to stop after they are warned by a police officer, they should be fined in his opinion.

Chief Hudson reiterated that in the majority of these civil penalty cases, the violator pays the fine to prevent going to court.

It was confirmed the fines are in line with other area towns.

The committee agreed that if it was later determined the fines need to be increased, council would revisit the matter at that time.

City Manager Carmean asked how the warnings will be tracked; Chief Hudson said his intent is to create a log that will be managed by the dispatchers. When someone is caught smoking and a verbal warning is issued, the officer will inform the dispatcher who will then add the person's name to a log. That information would then always be available to the officers.

He will work that out but believes it will be handled in a manner similar to how the department tracks people who are banned from various apartment complexes.

Chief Hudson said that he had also considered a verbal warning for the first violation, an ejection from the park on the second offense and then begin issuing civil penalties on the third offense.

The committee agreed the officers or code officials could use their discretion to eject a violator at any point.

The city manager said his concern is the number of people who hang out at the park with no identification.

City Manager Carmean asked if this ordinance will prohibit our employees from smoking outside the buildings on their breaks; Mr. Morrow said we will only ban it in structures. However, the employees that work at parks and recreation will not be permitted to smoke in the park areas. Mr. Pikus agreed emphasizing it is a park.

It was agreed smoking would be allowed in the driveway or parking lot area adjacent to parks and recreation.

Chief Hudson then asked if it is necessary to designate smoking areas at each of the buildings; Mr. Carmean agreed that he should designate specific areas at each city building. The chief said the police department employees smoke behind the police department which is away from the entrance to the building and out of the view of the public.

Mr. Carmean agreed to establish a smoking area at parks and recreation. He said that would also allow a person using the park to smoke in that designated area. He feels we could also provide receptacles for their cigarette butts as well.

Mr. Pikus feels that would create a problem. He said the intent is to eliminate all smoking in city parks. He believes that smokers hanging out in Bicentennial Park are going to walk across the street to the liquor store and smoke on the sidewalk which is going to affect non-smokers. He does not want to encourage smoking near any of these areas.

Mr. Carmean said we will need to be careful on public lands where employees are now allowed to smoke. He said any designated area must be away from the entrance and exits to prevent people from walking through the smoke.

Mr. Pikus emphasized the need to get the signs ordered and in place. Chief Hudson agrees it is very important that the rules be posted at every park.

Mr. Morrow said the signs need to be posted and he does not want this enforced until that is done. Chief Hudson suggests a grace period long enough to allow the no smoking ban to be properly communicated before it begins to be officially enforced.

When asked when the ordinance would become effective, the city clerk stated that it will need to go through the ordinance process and should be effective sometime around the first of the year. The minimal number of days after it is adopted is ten days though council has the right to make it a longer period.

When asked how long to get the signs made, City Manager Carmean said no smoking in the park could be obtained quickly. Anything more complicated will take a little longer.

Chief Hudson asked that the signs be in English and Spanish.

Mr. Morrow reiterated that he does not want this enforced until all the signs have been installed for several days. He recommends the signs be posted at every entrance into every park.

Mayor Shupe pointed out that if this becomes effective in January, once the weather gets warmer, it will need to be re-communicated as news and information. He does not believe it will be a problem until the weather starts to get warmer.

Chief Hudson agrees it is very important to educate our residents. He believes the signs should state in both languages the more common violations which are no alcohol, no smoking and that the parks are closed dusk to dawn.

City Manager Carmean reported that the rules on Goat Island are already posted. Mayor Shupe noted there are some strange things on that sign.

Mr. Morrow asked that Chief Hudson and Parks and Recreation Assistant Director Brad Dennehy take an inventory of the parks and determine how many signs are needed. Chief Hudson asked that any major entrance be posted.

Mr. Morrow said this cannot apply to Milford Little League because they have night games on a regular basis. The city manager asked if the little league park is listed. Mr. Pikus stated no even though it is a park.

Mr. Carmean explained that the city does own the land but it must be designated as a city park. Mr. Morrow pointed out it is not on the list so it is not a designated city park. It was determined that though a portion of their land is owned by the city, the league already has a no smoking policy though the details are not known.

It was agreed to exempt that property and allow them to implement their own policy.

Mr. Morrow asked if electronic cigarettes should be included. Mr. Pikus noted that the beach towns are including them in their ban. The definition will be amended accordingly.

Chief Hudson asked that the code officials and/or parks and recreation staff contact the dispatchers after they warn someone to ensure the person's name is on record at the department.

Mr. Pikus expects very little enforcement from our code officials. Chief Hudson feels that any city employee who may be in the park working should have the ability to inform someone they are not permitted to smoke.

Mr. Morrow asked the city clerk to amend the ordinances with the recommendations that were discussed.

Chief Hudson stressed the need to post these rules at the major entrances of each park adding it is much easier to enforce versus someone being blindsided with the ban. Mr. Pikus agreed.

Mr. Pikus moved to recommend proceeding with the ordinance, as amended, seconded by Ms. Wilson. Motion carried.

Community Policing in the Parks

Mayor Shupe said he received a number of compliments regarding the foot patrol that was done in the downtown area and in the parks this summer.

Chief Hudson reported that the officers walking downtown were actually part of the patrol shift working each day. In addition, the department's community policing unit, who consist of the school resource officers, also shared in those duties.

He said when school is out, those officers will be assigned foot patrol in those areas again.

The chief also explained they did not have a seasonal program this year due to the lack of applications. However, the intent is to continue that program this summer.

Mr. Morrow asked if weather permitting, are there any plans for some presence in the parks. Chief Hudson said yes noting that foot patrol is scheduled this Friday and Saturday night.

Mayor Shupe reiterated that he has received many positive comments and the businesses downtown appreciate the visibility and interaction with the officers. He feels it goes a long way and wanted to publicly thank Chief Hudson. He noted that Chief Hudson is very responsive to anything he has called him for and he also very responsive to council and appreciates that.

Chief Hudson advised that they received a grant from Kent County Levy Court and hope to purchase either a gator type vehicle or golf cart that can be used by officers in the parks, particularly during special events. Presently, they have to borrow one of these vehicles from parks and recreation, which leaves them with one less of these vehicles as well.

Mr. Pikus confirmed that the chief is planning to include the seasonal officers in the upcoming budget. Chief Hudson stated yes, they working on a recruitment campaign in hopes of getting more interest.

Mr. Morrow suggested the department participate in the job fairs sponsored by the Department of Labor and the various colleges.

Chief Hudson then advised that the seasonal program is open to persons eighteen to twenty years of age who have an interest in the criminal justice field. A background and criminal check is required.

The chief reiterated that they are focusing on reestablishing the seasonal program to ensure those areas are patrolled on a more regular basis. The officers working the road will also assist when they are not tied up on other complaints which can be a hit and miss situation.

Mayor Shupe thanked Chief Hudson for his help with this matter and other situations.

Adjourn

With no further business, the Police Committee meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



Proposal and Agreement # 7389-1-0

Date: October 28, 2014

Division of Sales & Estimating

Client Name:	City of Milford
Project Name:	City of Milford- IP Camera Installation
<hr/>	
Project Location:	201 South Walnut Street Milford, DE
Submitted To:	Christine R. Crouch, CCrouch@milford-de.gov , 302.424.3712 x308 Bill Coalson, Billcoalson@advantechsecurity.net , (302) 674-8405, fax (302) 674-3698, www.advantechsecurity.net
Submitted By:	

Scope of Work:

As per our walkthrough on 10-22-14 Advantech will provide the following IP camera material and installation material for the City of Milford Town Hall Building.

- Advantech shall provide and install (1) one Honeywell Max Pro NVR (network video recorder). This NVR will archive video for 30 day's as required. This recorder will also be setup to record on motion only.
- Advantech shall provide and install (4) four new interior Honeywell IP cameras. Two of the cameras will be installed in the chambers room and the other two will be installed in the main lobby.
- Advantech shall provide and install (3) three new outdoor Honeywell IP cameras. Two of the cameras will look at the back parking lot and the other camera will look at the stairs of the main entrance and the driveway.
- Advantech shall provide and install (1) one half height rack, (1) one APC ups, (1) one PoE switch in the closet right next to the server room on the ground floor.
- Advantech shall provide and install all the CAT6 cable required for this installation.

Special Conditions:

- 1) Advantech's normal business hours are M-F 8am to 5pm.
- 2) Overtime is excluded from this proposal.
- 3) Advantech excludes any 120v power
- 4) Any necessary patching, painting, drywall repair, etc. by client.
- 5) Advantech assumes that a network connection will be provided in the closet where the rack and the NVR will be installed.
- 6) Advantech excludes any workstations that will be required to see the cameras remotely by the Milford police or at the reception desk near the main entrance.

- 7) A static IP address will need to be provided for the cameras to be viewed remotely by the Milford Police or at the main entrance as required.
- 8) This job was quoted without prevailing wage rates. If this needs to be prevailing wage than a new quote will need to be done.
- 9) Advantech spoke with DTI and they do not need to be involved in this job as discussed in our meeting on 10-22-14.
- 10) Advantech excludes any monitors at the Milford Police station or at the main entrance.

System Components – (Video System):

Manufacturer	Model	Description	QTY
APC	SMT1000RM2U	APC - SMT1000RM2U Rack Mount - 2RU - 1000 VA UPS,	1
D-Link	DGS-1510-28P	Network Switch 28 port, 24 PoE 10/100/1000, 4 SFP	1
Honeywell Video	HD4CHIP-WK	Wall Mounts	3
Honeywell Video	H3D2F1	ONVIF IP H.264 Inr ONLY Dome 1080p Res Day/Night	4
Honeywell Video	HNMXE16B03T	MaxPro NVR XE 16CH, 3TB, 2x1 Gig Ethernet Ports	1
Honeywell Video	H4D2S2	IP Mini Dome In/Outdoor 1080P TDN P-IRIS 3-9mm	3
ICC	107L6BC	Biscuit Cat6 Module & 1 Port Box IV	8
Lowell	LPPR-2432	Rack-Studio-24U, 32in D	1
Panpacific	110-PP6-128	Cat6 12 Port Patch Panel	1
REMEE	6B234UTPM3W	CAT6 Plenum White CMP 100'	15
View Sonic	VX2452MH-LED	View sonic 24 LED 1080 Full HD TV HDMI, DVI, VGA	1
YC	FER6E-007-PUR	Cat6 7' Patch Cable (Purple)	9
YC	FER6E-001-PUR	Cat6 1' Patch Cable (Purple)	8

Investment Summary

Purchase

IP Camera System: **\$14,995.00** Initial to Accept: _____

Software Support and Upgrade Plan: **\$100.00/mo.** Initial to Accept: _____

Payment Terms: Due Semi-Annually in Advance upon Job Completion

Service Plan: **\$183.00/mo.** Initial to Accept: _____

Payment Terms: Due Semi-Annually in Advance upon Job Completion

Leasing Options:

24 months	36 months	48 months
\$722.76	\$508.33	\$406.36
63 months	72 Months	
\$332.89	\$294.65	

Project Pricing and Payment Terms and Conditions, unless otherwise noted in this proposal:

- Payment Terms – 50% upon commencement of Project, 50% upon completion.
- If payments are not received by Advantech in accordance to the terms and conditions in this proposal, Advantech may immediately cease all work on the project. In this event, all invoiced amounts shall remain due in accordance with all applicable conditions of this proposal. Advantech shall not be penalized or held responsible for any resulting project delays or associated damages.
- Failure of Client to arrange training or acceptance tests in a timely manner or failure of invited participants to attend shall not be cause to delay any payments to Advantech, delay the commencement of warranty coverage or project close-out.
- Advantech has included no taxes in the project price. If taxes are applicable they will be added to each invoice in the respective amount.
- If there are any additional requirements imposed by an authority having jurisdiction, a change order to Advantech may be required.
- Upon notification of which Alternates are approved, Advantech will prepare and submit to Client a Schedule of Values for project invoicing purposes. Advantech shall invoice Client for Items or percentages of items listed in the schedule of values. Invoices shall be submitted monthly for the percentage of each item anticipated to be completed or in stock during that month's billing cycle. Payment shall be made to Advantech in full, no more than thirty (30) days from the Advantech invoice date. Client has the option of storing parts that have been invoiced, at time of release of payment to Advantech for those parts. If Client chooses to store parts, Client shall be responsible for damage or theft of stored parts.

Schedule of Services:

Software & Technical Support Plan:

The Software Support Program is a cost-effective, comprehensive software investment protection program designed to provide coverage for your new security management system investment. This investment will ensure that your new system will operate at maximum capacity throughout the entire lifecycle. Advantech prides itself on being able to provide our customers with priority service and support, resulting in satisfied customers and long-lasting relationships. This program includes manufacturer and local dealer support for the Advantech supplied and installed software to include all upgrades, patches, hot-fixes, new releases and 24x7 telephone support. Advantech, supported by the Manufacturer, shall provide comprehensive software and technical support as outlined below:

- 24/7/365 Support: Includes on-site support when necessary. Includes telephone technical support by Advantech and Honeywell. Includes remote VPN diagnostic and software support.*
- Optimized Software Performance: Customer shall be provided new software releases, software upgrades, service pack upgrades, patches and fixes through life of agreement.

- Items not covered: Diagnostic or repair of customer provided items or responsibilities.
- * Remote VPN diagnostic and software support requires customer to provide Advantech with high-speed VPN capabilities.

Service Plan:

Availability: Seven days a week, 24 hours a day.

Pricing: The proposed service plan price has been calculated reflecting the standard 1 year limited warranty. This allows for the customer to receive all services in excess on the standard 1 year limited warranty from initial project completion. In the event the customer would like to purchase the service plan upon the completion of year one the below value shall be adjusted to reflect a price increase.

Technical Support: Advantech shall provide 24/7 telephone and email technical support for equipment. This service shall be 100% covered for each and every service plan customer. This service is billable to non-service plan holders.

Response Status: Priority response: Customers with a Service Agreement will receive a faster response to their service request than non-Service Agreement Customers.

Parts Coverage: All parts as listed in this proposal's System Components are covered as part of this plan.

Labor Coverage: All labor provided in this proposal's scope of work is covered under this plan, unless otherwise noted.

Instant Loaner: We maintain a service pool of like equipment specifically designed to support our Full Service Plan clients. If our field technicians are not able to repair a piece of faulty equipment at your location, then we will replace it with a loaner, keeping your system up and running. The defective equipment will be repaired at our facility, and returned to your site accordingly. Exclusions: Due to rapid changes / advances in technology and the typical application specific configuration of Advantech supplied PC's, servers, workstations, and / or any PC running non Advantech supplied software / applications will not be covered under the instant loaner program.

Items Not Covered: This includes damage caused by misuse, abuse, accident, disaster, fire, flood, water, wind, lightning, and Acts of God. In addition, items designed to fail in order to protect the equipment, such as power and/or lightning suppressors, are also not covered by this plan.

Preventative Maintenance: Advantech shall perform an annual site visit to inspect the systems covered under this agreement. This inspection shall consist of testing the software, hardware, and field devices for functionality. Any major deficiencies found shall be corrected either on site, or as quickly as possible. This maintenance shall not include the replacement of parts

which are in working condition. This inspection can only verify proper operation of the equipment at the time of the inspection, failure of inspected equipment is possible at any time.

General Conditions:

I. SERVICE COVERAGE PLAN. A. ADVANTECH hereby warrants to CLIENT alone only that all of the material is installed in a good and workmanlike manner. In the event that any part shall become defective while the service coverage plan is in effect, ADVANTECH shall replace or repair the defective part without charge to CLIENT. B. If CLIENT shall discover a defect in the products supplied under this agreement, CLIENT should immediately contact ADVANTECH in writing or by telephone, at the address and telephone number set forth, and fully describe the nature of the defect so that repair service may be rendered. C. This plan does not cover any damage to components, material or equipment caused by accident, vandalism, CLIENT negligence, flood, water, lightning, fire, intrusion, abuse, misuse, act of terrorism, act of God, any casualty, including electricity, attempted unauthorized repair service, modification or improper installation by anyone other than ADVANTECH, or any other cause other than ordinary wear and tear. ADVANTECH shall not be liable for any general, direct, special, exemplary, punitive, statutory multiple, incidental or consequential damages. CLIENT acknowledges: that any affirmation of fact or promise made by ADVANTECH shall not be deemed to create an express warranty; that ADVANTECH does not make any representation or warranty, including any implied warranty of merchantability or fitness that the system or service supplied may not be compromised, circumvented, or the system or services will in all cases provide the signaling, monitoring and response for which it was intended; that CLIENT is not relying on ADVANTECH's skill or judgment in selecting or furnishing a system suitable for any particular purpose; that there are no express warranties which extend beyond those on the face of the agreement hereof, or herein, and that all implied warranties, if any, coincide with the duration of this warranty.

II. MONITORING, INSPECTION &/OR SERVICE COVERAGE PLANS - TERM, RENEWAL & RATES. The term is three (3) years. At the end of the initial three year term (three (3) years from the Agreement Date) or any subsequent renewal term, the Agreement will automatically renew for an additional three year term, unless either CLIENT or ADVANTECH gives written notice to the other of cancellation at least thirty (30) days before the expiration of the term (by certified or registered mail). If CLIENT defaults or cancels before the end of the term, all services by ADVANTECH will terminate, but all payments then due from CLIENT, including future scheduled payments to the end of the current three year term accelerate and become immediately due and payable to ADVANTECH. ADVANTECH has the right to terminate this Agreement ten (10) days after written notice, if CLIENT fails to make timely payments or if CLIENT willfully or negligently causes repeated false alarms. In order to properly adjust its rates to meet changing business conditions, ADVANTECH may, at any time after one (1) year from the date of this Agreement, increase monitoring or maintenance charges by giving CLIENT written notice of the change. CLIENT then has the option within thirty (30) days to cancel this Agreement without penalty.

III. SERVICE. Upon CLIENT request ADVANTECH shall provide service to the system. Unless covered by the Limited Warranty or a Service Plan CLIENT agrees to pay for labor and components at ADVANTECH's prevailing rates at the time the service is provided

IV. Communications, Equipment, and Services. CLIENT understands and acknowledges as follows: A. the System may transmit video, voice and data to a monitoring location or elsewhere using one or more forms of communication equipment or services, including, without limitation, a telephone network, computer network or data cabling. B. some or all of these communications equipment or services may access or incorporate the Internet, a local or wide area network or some other form of computer network to transmit or retrieve data; for data transmitted by a telephone network, there are various types of telephone line services including, without limitation, a CLIENT-owned or operated network facility, direct wire, derived channel, multiplex, DSL, T-1, ISDN and various other forms of service. CLIENT understands that video, voice and data may be transmitted by these services, and that all of these services are outside the control of ADVANTECH, and ADVANTECH has no responsibility for video, voice and data transmission failure. C. ADVANTECH may arrange for monitoring with a central monitoring station. CLIENT agrees that ADVANTECH's obligations are limited to Agreement execution, fee collection and changes in central station monitoring data upon notification by CLIENT. CLIENT agrees to notify ADVANTECH of any name, telephone number or other contact information changes to CLIENT's alarm notification list. D. ADVANTECH can only confirm system functionality at the time of inspection or testing. CLIENT understands and acknowledges that all systems, products, or equipment have the potential of improper operation at any time. It is recommended that CLIENT conduct periodic testing in accordance with CLIENT's risk tolerance.

V. PERIPHERAL EQUIPMENT ADVANTECH is not obligated to provide service or ensure operation of any equipment not installed by ADVANTECH even if such equipment is monitored by ADVANTECH's system.

VI. DELAYS & INTERRUPTIONS ADVANTECH assumes no liability for delays in installation, monitoring, inspections or service, or for interruptions due to strikes, riots, floods, fire, acts of terrorism, acts of God or any cause beyond its control, including interruption of alarm, video and data transmission, and is not required to perform its duties under this Agreement while any such cause continues.

VII. LIMITATION OF DAMAGES. A. CLIENT understands and agrees that ADVANTECH is not an insurer and that insurance covering personal injury and property loss or damage on CLIENT's premises must be obtained by CLIENT; that CLIENT's payments to ADVANTECH under this agreement are based solely on the value of the products or services provided and are unrelated to the value of CLIENT's property or that of others located on CLIENT's premises; that ADVANTECH makes no guarantee, representation or warranty including any implied warranty of merchantability or fitness for a particular purpose, that the product or service supplied will avert or prevent occurrences or the consequences there from which the system or service is intended to detect or avert. B. CLIENT understands and agrees that if ADVANTECH is found liable for any loss or damage from a failure to perform its obligations or from an equipment failure, ADVANTECH's liability is limited to five hundred dollars, and this liability will be exclusive and will apply if loss or damage irrespective of cause or origin, results directly or indirectly to persons or property from performance or non-performance of any of ADVANTECH's obligations or from negligence, of any kind, of ADVANTECH, its employees or agents. C. When CLIENT has the property of others in CLIENT's care, custody, or control; or the products extend to protect the persons or property of others, CLIENT agrees to and will indemnify, defend and hold harmless ADVANTECH, its employees and agents, for and against all claims brought by owners of said property, or third parties, arising from ADVANTECH's products and services provided under this agreement. This provision applies to all claims regardless of cause including ADVANTECH's performance or non-performance, including defects in products, design, installation, maintenance, operation or non-operation of the product whether based upon negligence, active or passive, express or implied agreement or warranty, contribution or indemnification, or strict or product liability on the part of ADVANTECH, its employees or agents, but this provision will not apply to claims for loss or damage solely and directly caused by ADVANTECH's employees while on CLIENT's premises.

VIII. AGREEMENTUAL LIMITATION OF ACTIONS. All claims, actions or proceedings, legal or equitable, against ADVANTECH or Representatives must be commenced in court within one (1) year after the cause of action has accrued, without judicial extension of time, or said claim, action or proceeding is barred. Time is of the essence with regard to this paragraph.

IX. MISCELLANEOUS TERMS A. ADVANTECH may assign its rights and duties under this Agreement at any time. B. If any payment by CLIENT is received by ADVANTECH more than 30 days after the due date, CLIENT agrees to pay a late charge of 5% of the amount of the payment, and interest from the due date on the entire balance due and owing at the rate of 1.5% per month. CLIENT agrees to pay ADVANTECH any and all damages or losses incurred by ADVANTECH resulting from the default, including costs incurred by ADVANTECH in collection, reasonable attorney and legal fees, costs, pre and post judgment interest at the maximum contractual rate, and any other reasonable and related expenses of collection, without adjustment for valuations or appraisals. C. It is mutually understood and agreed that any representation, promise, inducement, advertising or other statement, condition, inducement or warranty, express or implied, whether written or verbal, not included in writing in the Agreement will not be binding upon either party. Each party represents that it/he/she is not relying on any inducement in signing this agreement that is not expressed in this agreement. D. The Agreement may not be altered, modified or otherwise changed except with the written consent of both parties as an addendum to this Agreement. If any of the terms or conditions of the Agreement shall be declared invalid or inoperative, all of the remaining terms and conditions will remain in full force and effect. CLIENT hereby acknowledges receipt of a copy of this Agreement, and that CLIENT has read and thoroughly understands its terms. E. The conditions of this Agreement shall cover all subsequent work for CLIENT by ADVANTECH, its sub-contractors or assignees and shall remain in full force and effect even after the termination of any monitoring, inspection or service term.

Accepted By: _____

Date: _____

Print Name: _____

DELAWARE ELECTRIC SIGNAL CO., INC.

PROPOSAL # 17759

145 S. New St. * Dover, Delaware 19904
Phone (302)674-2600 / 422-3916 / 1-800-252-7670 / FAX (302)734-4878

PAGE 1

DATE: 11/03/2014

TO CITY OF MILFORD
ATTN: CHRISTINE CROUCH
10 SE 2ND STREET
MILFORD, DE 19963
CCROUCH@MILFORD-DE.GOV

PHONE: 302-422-3712 (x308)
JOB NAME: CITY HALL
201 S. WALNUT ST, MILFORD
ACCT NUMBER: P0159

PANIC BUTTONS - PURCHASE

QTY	STOCK NUMBER	DESCRIPTION	
4.00	HUB-2	HARD-WIRED PANIC BUTTONS	
1.00		ZONE EXPANDER BOARD	
		- CONNECT TO EXISTING SECURITY PANEL	
		MISC CABLE & HARDWARE	
TOTAL COST OF ALL EQUIPMENT AND INSTALLATION			\$ 970.00

- * NOTE: 1) CHRISTINE WILL SHOW THE TECH WHERE THE BUTTONS ARE TO BE INSTALLED.
- 2) PANIC BUTTONS WILL TRIGGER A "GENERAL" PANIC ALARM. CUSTOMER TO INDICATE IF PANIC ACTIVATION IS TO BE SILENT OR AUDIBLE.

- * 12 MONTH WARRANTY ON ALL NEW PARTS AND LABOR DURING NORMAL BUSINESS HOURS
- * OWNER TO PROVIDE 110VAC AS NEEDED

Payment to be made as follows:
50% DOWN AND BALANCE DUE UPON COMPLETION

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Authorized Signature _____

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance _____

Please sign and return this copy if this proposal is accepted.

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

November 12, 2014

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attn: Richard D. Carmean
City Manager

RE: **PROPOSAL – Supplementary Test Well**
SE Milford Tank, Well & Treatment Project
Project No. 0052A138.J01

Dear Dick:

Per our recent discussions, Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal for engineering services related to the installation of a supplementary test well at the Wickersham Water Treatment Facility & Elevated Storage Tank site. As you are aware, the City has secured funding for the installation of an elevated storage tank, associated water main extension, production well and treatment facility at the Wickersham Subdivision site to provide water service to the SE corridor of the City. The construction of the elevated storage tank is underway and the construction of the associated water main extension and production well are complete with only closeout paperwork outstanding. The design of the treatment facility is nearly complete and should be ready to go out for construction bidding in the very near future. As previously discussed, the newly-constructed production well provides enough water to achieve the goal of the original project but does not have enough production capacity to accommodate full build-out demands in the area. Before the City commits to the construction of the treatment facility, our office is recommending the City install a supplementary test well at the site to verify that additional production capacity is available for the future installation of a supplementary production well to meet future demands.

A description of our proposed scope of services and associated lump sum fee for the work is as follows:

A. TEST WELL SERVICES

Our office will contract with the Delaware-licensed well driller, A.C. Schultes of Delaware, Inc. and oversee the installation of an approximately 290 foot deep test well for the purpose of determining the production capacity and water quality of the

formation. The work shall include application for the required well construction permit from DNREC, performance of the initial 6¾” borehole, ditch sampling at specific depths, electric logging of the initial borehole, sieve analysis of the ditch samples and confirmation of test well design. Also included is the drilling of the 8¾” borehole, installation of 261 feet of 4” PVC casing and 29 feet of Stainless Steel Hi-Flow Screen with gravel pack, development of test well, eight (8) hour flow test and four (4) hour recovery test with electronic data logger, water quality analysis and preparation of a technical data report.

Lump Sum Fee: \$34,270.00

See the attached quote dated November 11, 2014 from A.C. Schultes of Delaware, Inc.

We propose to perform the above-described work for the lump sum listed above. Billing will be submitted monthly based on the percentage of work completed the previous month. Additional services beyond the above scope as authorized by the City will be performed on an hourly basis in accordance with the enclosed Schedule of Rates No. 44. Payment terms shall be in accordance with our attached rate schedule.

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

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

Sincerely,



Erik F. Retzlaff, P.E.
Associate

\\Proposals\Municipal\Milford\0052A138.J01-SE WTF\Supplementary Test Well

Enc.

ACCEPTED BY:

Signature

Date

Printed Name

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

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

GENERAL CONDITIONS

INVOICES & PAYMENT

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

TERMINATION OF CONTRACT

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

LIMITATION OF LIABILITY

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

INDEMNIFICATION

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

FORCE MAJEURE

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

CONSTRUCTION PHASE SERVICES

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

OWNERSHIP OF DOCUMENTS

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

USE OF ELECTRONIC MEDIA

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

SUCCESSORS & ASSIGNS

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

MISCELLANEOUS PROVISIONS

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

REIMBURSABLE EXPENSES

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



A.C. Schultes of Delaware, Inc.
P.O. Box 188 – 16289 Sussex Highway
Bridgeville, Delaware 19933
24 Hour Service
(302) 337-8254
Fax: (302) 337-8234

November 11, 2014

Mr. Erik Retzlaff
Davis, Bowen & Friedel, Inc.
Milford, DE 19963

RE: WICKERSHAM SITE – TEST WELL #2 PRICING
ACSD QUOTE MC#7462-Second Revision

Dear Erik:

Per our recent conversation, A.C. SCHULTES OF DELAWARE, INC. is pleased to quote you on installing a 4" x 290' Test Well at the Wilkersham site including the following:

- Well construction permit and completion report processing to Delaware Department of Natural Resources and Environmental Control
- 6 ¾" x 290' mud rotary borehole with ditch samples taken every 5'
- Electric logging of borehole
- Abandon bore hole per DNREC regulations
- Perform sieve analysis of ditch samples and confirm test well design
- 8 ¾" x 290' mud rotary borehole with ditch samples taken every 5'
- 261' of 4" sch 40 PVC casing with clay grout installed
- 29' of 4" Johnson Type 304 Hi-Flow stainless steel screen (slot size to be determined)
- Well development
- Test pump installation and removal
- 8-hour flow test and 4-hour recovery test utilizing In-Situ Electronic Data Logger
- Water quality testing per preset parameters
- Technical data report

TOTAL COST TO PERFORM THE ABOVE SUBJECT WORK. \$34,270.00

Thank you for allowing our firm the opportunity to submit a proposal on this project. Our payment terms are Net 30 Days. All unpaid invoices beyond 30 days will be assessed a 1.5% finance charge per month. We also accept Visa and MasterCard credit card payments. If payment is made with a credit card, please add 3% to total invoice amount for credit card processing. This proposal may be withdrawn or renegotiated by our firm if not accepted within 30 days. Authorization to proceed can be given by signing the attached authorization form and returning it to my attention at P.O. Box 188, Bridgeville, DE 19933, faxing it to 302-337-8234 or e-mailing it to rmcacsde@verizon.net .

Respectfully,

A.C. SCHULTES OF DELAWARE, INC.

R. Michael Collison

R. Michael Collison
President

RMC/bh

AUTHORIZATION TO PROCEED

I, _____, representing _____

hereby authorize A.C. SCHULTES OF DELAWARE, INC. to proceed with the scope of work as described in their proposal dated, November 11, 2014.

Signed: _____ Date: _____

Printed: _____ Witnessed: _____

PO # _____ E-Mail for Invoicing: _____

ACSD QUOTE MC#7462-Second Revision

TAX EXEMPTION CERTIFICATE #

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

November 4, 2014

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attn: Richard D. Carmean
City Manager

RE: **Sewer Reserve Transfer Request**
SE 2nd St. PS Improvements
Project No. 0052A164

Dear Dick:

As you are aware, the City previously allocated \$45,000 from Sewer Reserves for some minor repairs to the sewage pumping station located on the easterly end of SE Second Street. The scope of the repair work included the installation of a new pump controller, replacement of existing valves and access hatch. To date, the pump controller has been installed and the valves replaced at a total expense of \$21,015.49.

Due to unanticipated structural improvements, additional pavement restoration and traffic control measures required for DelDOT permitting, additional funds are required to complete the installation of the access hatch. Based on pricing received from construction contractors and estimated costs from City Public Works staff for traffic control, an additional \$10,000 will be needed to successfully complete the replacement of the access hatch. As you are aware, the replacement of the access hatch must be completed in the very near future as the existing hatch is in danger of failing. Therefore, we are **requesting a transfer of an additional \$10,000 from sewer reserves to the SE 2nd Street PS Improvements project.**

Should you have any questions or wish to further discuss the matter, please feel free to contact our office.

Sincerely,



Erik F. Retzlaff, P.E.
Associate

Milford\0052A164 - SE 2nd PS\Sewer Reserve Transfer Request



AIA® Document G701™ – 2001

Change Order

PROJECT (Name and address): Former PNC Bank Building Renovations 119 S. Walnut Street City of Milford Sussex County, Delaware	CHANGE ORDER NUMBER: 002 DATE: November 6, 2014	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Donald E. Reisinger, Inc. 717 East Washington Street West Chester, PA 19380	ARCHITECT'S PROJECT NUMBER: 052A154.F03 CONTRACT DATE: May 16, 2014 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Cost for Owner requested floor finish changes, adding an insulated panel above entry doors, adding a 3' x 3' window in the 8' high wall, additional demo, and modifications to new bulkhead framing.

The original Contract Sum was	\$ 317,000.00
The net change by previously authorized Change Orders	\$ 12,960.26
The Contract Sum prior to this Change Order was	\$ 329,960.26
The Contract Sum will be increased by this Change Order in the amount of	\$ 18,053.77
The new Contract Sum including this Change Order will be	\$ 348,014.03

The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Davis, Bowen & Friedel, Inc. ARCHITECT (Firm name) 23 N. Walnut Street Milford, Delaware 19963 ADDRESS BY (Signature) Michael Bauman, AIA (Typed name) 11/6/14 DATE	Donald E. Reisinger, Inc. CONTRACTOR (Firm name) 717 East Washington Street West Chester, PA 19380 ADDRESS BY (Signature) Scott Schurman (Typed name) 11/7/14 DATE	City of Milford OWNER (Firm name) 201 South Walnut Street Milford, Delaware 19963 ADDRESS BY (Signature) Richard Carneal (Typed name) 11/07/14 DATE
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DONALD E. REISINGER, INC
General Contractor
717 E. Washington Street
West Chester, PA 19380
Phone 610-696-6921 Fax 610-696-2352

October 7, 2014

Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

Att: Mike Bauman

Re: Former PNC Bank Renovation/Milford Billing Department

Subject: PCO #4 Pricing for Ceramic Tile & VCT Changes

We are writing you at this time to submit our cost for additional work as per your request. The work is to include the deletion of the VCT in the three restrooms on the first floor and the installation of ceramic tile in the restrooms with 6" ceramic tile base. We have also included the installation of new VCT in the IT Room with vinyl base, including floor preparation.

Materials	\$40.00
Labor IT Room Floor Prep	\$142.00
Credit for VCT in Rm 104, 105, & 107	-\$368.00
New Ceramic Tile Floor Rm 104, 105, & 107	\$3,057.00
New VCT & Base for IT Room	\$333.00
<u>Supervision</u>	<u>\$120.00</u>
Subtotal	\$3,324.00
GC OH 10%	\$332.40
<u>GC Profit 5%</u>	<u>\$182.82</u>
TOTAL COST	\$3,839.22

We would like to thank you in advance for your cooperation in this matter.



Terri Nelson
President

DONALD E. REISINGER, INC
General Contractor
717 E. Washington Street
West Chester, PA 19380
Phone 610-696-6921 Fax 610-696-2352

October 8, 2014

Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

Att: Mike Bauman

Re: Former PNC Bank Renovation/Milford Billing Department

Subject: PCO #5 Add Transom to Front Door

We are writing you at this time to submit our cost for additional work as per your request. The work is to include adding a transom light above the front entry door. The transom is to be a fixed insulated panel in Dark bronze to match the frame. The new door location will shift out approximately 6" to the stone surround and the concrete will be ground to accommodate for this with the new flooring at the interior.

Materials	\$550.00
Labor	\$528.00
<u>Supervision</u>	<u>\$35.00</u>
Subtotal	\$1,113.00
GC OH 10%	\$111.30
<u>GC Profit 5%</u>	<u>\$61.22</u>
TOTAL COST	\$1,285.52

We would like to thank you in advance for your cooperation in this matter.



Terri Nelson
President

DONALD E. REISINGER, INC
General Contractor
717 E. Washington Street
West Chester, PA 19380
Phone 610-696-6921 Fax 610-696-2352

October 13, 2014

Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

Att: Mike Bauman

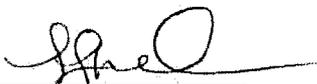
Re: Former PNC Bank Renovation/Milford Billing Department

Subject: PCO #7 New Window in 8' Wall

We are writing you at this time to submit our additional cost as per your request. The work is to include providing a new Aluminum storefront window in 8' high wall, reframe the metal studs, install wood casing and paint new wood work. Window to be fixed with anneal glass, aluminum to be dark bronze.

Materials	\$725.00
Labor	\$660.00
Painting Subcontractor Cost	\$75.00
<u>Supervision</u>	<u>\$60.00</u>
Subtotal	\$1,520.00
GC OH 10%	\$152.00
<u>GC Profit 5%</u>	<u>\$83.60</u>
TOTAL COST	\$1,755.60

We would like to thank you in advance for your cooperation in this matter.



Terri Nelson
President

DONALD E. REISINGER, INC
General Contractor
717 E. Washington Street
West Chester, PA 19380
Phone 610-696-6921 Fax 610-696-2352

November 3, 2014

Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

Att: Mike Bauman

Re: Former PNC Bank Renovation/Milford Billing Department

Subject: PCO #9 Additional Demo

We are writing you at this time to submit our additional cost for additional demo as performed at the above mentioned project. This work included the additional demo of block walls at the entrance vestibule, bathrooms and conference room. Demolition of the mud set tile base in the bathrooms and pouring of a new concrete topping slab. Our cost for this work is as stated below:

Subcontractor's Materials	\$425.76
Subcontractor's Labor	\$3,358.58
<u>Supervision</u>	<u>\$60.00</u>
Subtotal	\$3,844.34
GC OH 10%	\$384.43
<u>GC Profit 5%</u>	<u>\$211.44</u>
TOTAL COST	\$4,440.21

We would like to thank you in advance for your cooperation in this matter.



Terri Nelson
President

DONALD E. REISINGER, INC
General Contractor
717 E. Washington Street
West Chester, PA 19380
Phone 610-696-6921 Fax 610-696-2352

November 3, 2014

Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

Att: Mike Bauman

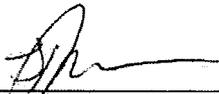
Re: Former PNC Bank Renovation/Milford Billing Department

Subject: PCO #10 Conference Room Framing & Bulkhead

We are writing you at this time to submit our additional cost for additional work as per your request. The work was to include the additional structural framing at the conference room, bulkhead framing, new low wall behind teller counter and a new SAT ceiling in the conference room with insulation above. Our cost for this work is as stated below:

Framing Subcontractor's Materials	\$1,266.22
Framing Subcontractor's Labor	\$3,727.41
Ceiling Subcontractor	\$796.00
<u>Supervision</u>	<u>\$40.00</u>
Subtotal	\$5,829.63
GC OH 10%	\$582.96
<u>GC Profit 5%</u>	<u>\$320.63</u>
TOTAL COST	\$6,733.22

We would like to thank you in advance for your cooperation in this matter.



Terri Nelson
President



The Power of We™



IP Office Basic Edition – PARTNER® Mode

Simplified Communications for Very Small Businesses

Overview

Avaya IP Office *Basic Edition – PARTNER® Mode* is the ideal solution for small enterprises that need more productivity with a professional touch. Basic Edition – PARTNER Mode incorporates the best from one of the world’s most popular phone systems – Avaya PARTNER ACS – with the flexibility, sophistication and expandability of our award-winning IP Office.

Many small businesses want the ability to grow, and with Basic Edition – PARTNER Mode, your communications are ready to do just that. Start with two extensions and expand to 100; begin with a single line and grow to 64. Increase capacities and features only as you need them. And with features like Caller ID, Dial-by-Name, Automated Attendant, Multi-Party Conferencing, Integrated Voicemail, and more, Basic Edition – PARTNER Mode will be right there with you, wherever your enterprise takes you.

Capabilities

Voicemail to email – Retrieve voice messages via email (voice messages show up just like an email) from a single inbox for fast and efficient access to information. Get messages from the keypad on any extension through the display on an Avaya 1400 series phone.

Call Forwarding – Forward calls to your office directly to your mobile or home phone so calls are never missed, even when out of the office.

Messaging, conferencing, and more – Automatically receive notification and listen to voice messages when out of the office. Quickly set up conference calls with up to 64 people to enable cost-effective collaboration.

Automated Attendant – Customize caller greetings so key clients receive a personal message and are routed directly to the most appropriate person or team.

Dial By Name – Callers can easily identify who they want to connect with by simply spelling that person’s name on their phone keypad.

Choose your connection – Basic Edition – PARTNER Mode supports analog lines, PRI/T1; and newer IP-base technologies such as SIP (Session Initiation Protocol) trunking, which can provide significant cost savings.

Benefits

- **Better customer service** – Through touch tone prompts, quickly route customers to the right department for fast, personalized customer experiences

- **Lower costs** – Select the connection technology that best suits your business, including Internet Protocol-based solutions such as SIP trunking that can save as much as 50% off monthly calling fees (results vary by area and service provider)
- **Investment protection** – invest in IP Office Basic Edition – PARTNER Mode now and know that you'll have a communications solution that will grow with you – in capacities and capabilities – as your business takes off.

Specifications

Format	<ul style="list-style-type: none"> • Secure Digital (SD) Card
System Requirements	<ul style="list-style-type: none"> • IP Office 500 system
User Requirements	<ul style="list-style-type: none"> • Supports 100 telephones (Analog, 1400 Series Digital, 9500 Series Digital, PARTNER® ETR, select M7000 & T7000 Series Digital, multi-line wireless)
Feature Detail	<ul style="list-style-type: none"> • 64 Trunk capacity (Analog, T1/PRI, SIP) • Key system operation • 64-party conferencing capacity • Maximum of 6 concurrent calls to voicemail • Approximately 25 hours of storage • Automated Attendant • Multiple language support • Message control: Save, Delete, Forward, Repeat, Rewind, Fast Forward, and Skip Message • All messages time & date stamped • Breakout to reception • Voicemail to email presentation • Visual Voicemail
Related Products	<ul style="list-style-type: none"> • IP Office Basic Edition • IP Office Essential Edition • IP Office Preferred Edition • IP Office Advanced Edition

About Avaya

Avaya is a global provider of business collaboration and communications solutions, providing unified communications, contact centers, data solutions and related services to companies of all sizes around the world. For more information please visit www.avaya.com.

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01/12 • LB4464-03

1400 Series Digital Deskphones

The 1400 Series Digital Deskphones is a new, value-priced family of deskphones designed to meet communication needs with the quality and reliability you expect from Avaya.

The 1400 Series Digital Deskphones family is designed for the same user profiles as the 9600 Series IP Deskphones or the 1600 Series IP Deskphones. By providing a range of endpoints covering the differing needs of users, Avaya makes it possible for companies to equip their workforce with deskphones that look great, sound better, enhance productivity, and turn communications into a competitive advantage. With similar industrial design, the 1400 Series Digital Deskphones, 1600 Series IP Deskphones and the 9600 Series IP Deskphones may be deployed in mixed environments or on their own, delivering:

- Digital telephones for the value-oriented customer
- Straightforward, familiar access to the most common telephony features
- Cost effective, competitive price point
- Quality and reliability you expect from Avaya

For businesses seeking an easy, cost-effective solution for digital networks, Avaya presents the 1400 Series Digital Deskphones. With features and capabilities of the Avaya digital/DCP network, these phones offer an attractive upgrade from older systems or an addition to your existing Avaya phone solution portfolio.

The 1400 Series Digital Deskphones combine traditional telephone features such as dual LED indicators and fixed feature buttons (e.g., conference, transfer, hold) with contemporary innovations such as softkeys, navigation wheel and a context-sensitive user interface.



Also standard on the 1400 Series Digital Deskphones: speakerphones, white backlit displays and multi-line capabilities. These stylish phones are a smart addition to any retail store, branch or corporate office.

The phone's streamlined industrial design reflects its function as a true business-class communications device.

A Familiar, Functional Interface

The 1400 Series Digital Deskphones combine the best of past and present. Fixed keys – familiar to any phone user – provide easy access to the most common features. Meanwhile, flexible softkeys provide contextual guidance and prompts for ease of use and efficiency.

Built-in Investment Protection

The 1400 Series Digital Deskphones have been engineered to adapt to your company's growing needs. The headset interface allows you to attach headsets on your 1408 Digital Deskphone and 1416 Digital Deskphone, while the 32-button expansion module for the 1416 Digital Deskphone can be custom-programmed to fulfill a wide range of specific user needs.

Clear Sound, Clean Looks

The 1400 Series Digital Deskphones offer clear, clean audio that will more than satisfy the most discerning users. All models come with an integrated speakerphone.

Top Value for Your Communications Dollar

You expect top quality and reliability from Avaya and the 1400 Series Digital Deskphones deliver by giving you a solidly built phone that can stretch your investment

and lower total cost of ownership. It's a cost-effective solution that delivers significant competitive advantages at its price point.

For Walkup users: the 1403 Digital Deskphone (IP Office only). The Avaya 1403 Digital Deskphone is designed for the Walkup user and the Everyday user. It's ideal for locations such as common areas in offices, stockrooms, lobbies, or drop-in desks. Visitors – including customers – are examples of Walkup users who need a phone with a simple, familiar interface. It's also perfect for the Everyday phone users for whom a phone is not the one critical piece of their communication needs.

1403 Digital Deskphone highlights:

- Supports 3 administrable feature buttons
- Each button includes dual LEDs (red, green) providing explicit status for the user
- Includes fixed feature keys for common telephone tasks including conference, transfer, drop, hold, mute
- Includes high-quality speakerphone
- Two-line by 16-character display, white backlit for easier viewing in all lighting conditions



For Everyday users: the 1408 Digital Deskphone. Everyday users typically rely on several forms of communication including voice and email – and while they require a quality telephone, their telephone use is relatively light or straight-forward in nature. Cubicle workers and sales staff within a retail store are examples of Everyday users for whom the 1408 Digital Deskphone delivers a productivity-enhancing telephone.

1408 Digital Deskphone highlights:

- Supports eight administrable feature buttons
- Each button includes dual LEDs (red, green) providing explicit status for the user
- Includes several fixed feature keys for common telephone tasks including conference, transfer, drop, hold, mute
- Includes high-quality speakerphone
- Supports a broad portfolio of wired and wireless headsets through its integrated headset jack
- Large capacity contacts and call log applications that can enhance productivity and personalization
- Context sensitive user interface along with three softkeys and a four-way navigation cluster – ideal for scrolling through the local contacts list or call logs
- The three-line by 24-character display is white backlit for easier viewing in all lighting conditions

For Navigators: the 1416 Digital Deskphone. The Avaya 1416 Digital Deskphone is designed for the Navigator type user. Receptionists, assistants, and managers are examples of Navigator users – people who answer incoming calls, transfer customers to different departments or extensions, and monitor several line appearances throughout a typical day. For the Navigator user, the 1416 Digital Deskphone provides the most one-touch line/feature/speed-

dial buttons without the need to scroll through on-screen lists.

1416 Digital Deskphone highlights:

- The 1416 Digital Deskphone supports 16 administrable feature buttons on the phone itself – and a 32-button expansion module provides access to a total of 48 feature keys or speed dial buttons
- Each of the buttons features a dual LED (red, green) providing explicit status for the user
- For a familiar look and feel, the 1416 Digital Deskphone includes several fixed feature keys for common telephone tasks including conference, transfer, drop, hold and mute
- In addition, the 1416 Digital Deskphone includes a high-quality speakerphone, and supports a broad portfolio of wired and wireless headsets through its integrated headset jack
- Context sensitive user interface along with three softkeys and a four-way navigation cluster – ideal for scrolling through the local contacts list or call logs
- The viewing angle of the display on the 1416 Digital Deskphone is adjustable and measures four lines by 24 characters
- Additional caller related information is displayed with active appearances for easier call handling
- The display is white backlit for easier viewing in all lighting conditions



Connectivity

	1403	1408	1416	Button Module
Avaya Aura™ Communication Manager	x	✓	✓	✓
	Avaya Aura Communication Manager 5.2.1 or later			
IP Office	✓	✓	✓	✓
	IP Office Release 6.0 or later			
Integral Enterprise	x	✓	✓	✓
	E07, IEE2 or later			

Features

Key Features	1403	1408	1416
Color	Black	Black	Black
Handset with 9-foot cord	Yes	Yes	Yes
Stand	Wedge	Dual position flip	Dual position flip
Wall-mountable	Yes	Yes	Yes
Adjustable tilt Display	No	No	Yes
Graphical Display size: rows x pixels	128 x 25 pixels	181 x 40 pixels	181 x 56 pixels
# rows x characters (approximate)	~ 2 x 18	~ 3 x 26	~ 4 x 26
# Chinese characters (12x12 pixels per character)	2 x 10	3 x 14	4 x 14
Permanently-labelled feature buttons: Speaker, Mute, Volume, Avaya Menu, Hold, Conference, Transfer, Drop, Redial	Yes	Yes	Yes
Permanently-labelled feature buttons: Headset, Phone, Call Log, Contacts, Voicemail Message	No	Yes	Yes
Permanently-labelled Navigation Cluster (Up/Down, Left/Right, OK)	No	Yes	Yes
Message Waiting Indicator	Yes	Yes	Yes
Administrable Buttons	3	8	16
Contextual softkey buttons	No	3	3
Button Module 32 supported	No	No	Yes
Headset supported	No	Yes	Yes
2-way speakerphone	Yes	Yes	Yes
2-wired line interface	Yes	Yes	Yes
Call Control Protocol	DCP	DCP	DCP
Codecs	G711	G711	G711

Key Features	1403	1408	1416
Avaya Aura™ Communication Manager			
Alias on Communication Manager 5.2.1 and above	-	2410	2420
Native support on Communication Manager 6.0	-	Yes	Yes
Full access to Communication Manager call appearances and features	-	Yes	Yes
Line appearance/feature key buttons	-	8	16
Contacts and Call Log application	-	Yes	Yes
Avaya IP Office			
Native support on IP Office R6.0	Yes	Yes	Yes
Full access to IP Office call appearances and features	Yes	Yes	Yes
Line appearance/feature key buttons	3	8	16
Centralized Contacts and Call Log application	No	Yes	Yes
IP Office feature menu with status indication	No	Yes	Yes
Support of IP Office Hot Desking	Yes	Yes	Yes
Avaya Integral Enterprise			
Support with E07, IEE2 and above	-	Yes	Yes
Partner/feature/short dial key buttons	-	8	16

Learn More

With more than 100 years as a leader in communications, Avaya can help your company maximize productivity with the Intelligent Communications solutions specific to the needs of your workforce.

To learn more about the 1400 Series Digital Deskphones, contact your Avaya Account Manager, Avaya Authorized partner or visit avaya.com for white papers, case studies and other information showcasing Avaya solutions in action.

About Avaya

Avaya is a global leader in enterprise communications systems. The company provides unified communications, contact centers, and related services directly and through its channel partners to leading businesses and organizations around the world. Enterprises of all sizes depend on Avaya for state-of-the-art communications that improve efficiency, collaboration, customer service and competitiveness. For more information please visit www.avaya.com.



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References to Avaya include the Nortel Enterprise business, which was acquired as of December 18, 2009.

02/10 • LB4440

avaya.com



Lightest DECT™ headset
on the market

Multitask hands-free
up to 350 feet

Another CS family headed for the bestseller list **CS500™ Series**

New look, improved performance, same reliability. Fall in love all over again with the new CS wireless headset series.

plantronics®

CS500 Series

Another CS family headed for the bestseller list. Plantronics legendary CS family is setting a new wireless standard for desk phone communication with the CS500 Series. The new system features the lightest DECT headset on the market, a new streamlined design and improved performance all with the same reliability for hands-free productivity that has made the CS family a bestseller for nearly a decade.

SUPERIOR COMFORT AND CALL MANAGEMENT

- Gain mobility—multitask hands-free up to 350 feet
- Audio controls volume/mute at your fingertips
- Conference in up to three additional headsets for enhanced collaboration
- New CS540 convertible headset offers a choice of three* comfort-tested wearing options to match your personal style
- Use with Electronic Hookswitch Cable or Handset Lifter to remotely answer/end calls (sold separately)

OUTSTANDING AUDIO QUALITY

- DECT technology provides better audio; eliminates interference from Wi-Fi networks
- Advanced wideband audio using CAT-iq technology for high definition voice quality
- Noise-canceling microphone reduces background noise interruptions, ensuring great audio quality and easing listener fatigue
- Enhanced Digital Signal Processing (DSP) provides more natural sounding voice

RECOMMENDED ACCESSORIES

- HL10 Handset Lifter adds remote call answer/end convenience
- Electronic Hookswitch Cable electronically adds remote answer/end convenience, eliminating the need for a Handset Lifter

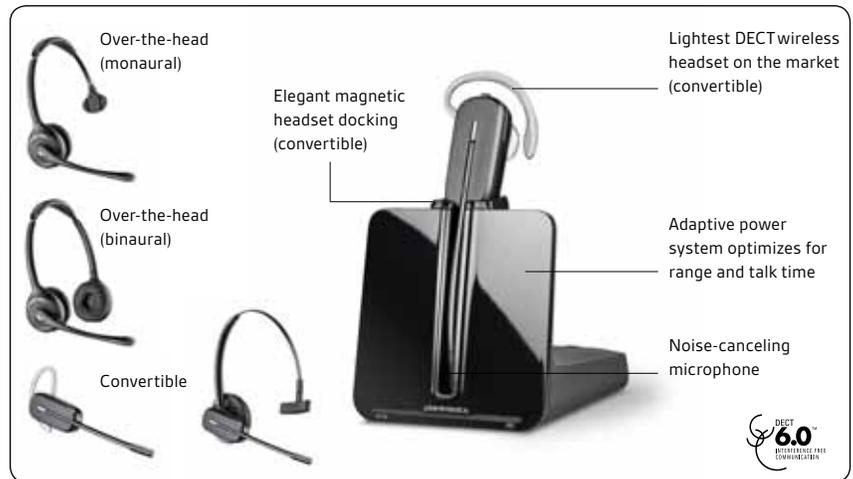


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For more information about the CS500 Series or other Plantronics products, please visit our website at plantronics.com



Connects to	Desk phone
Ideal for	Office and desk-centric workers across the enterprise looking for a simple-to-set-up, simple-to-use wireless offering for managing desk phone calls
Talk time	Up to 7 hours (CS540); Up to 9 hours (CS510, CS520)
Headset weight	Convertible: 21 grams; Over-the-head (monaural): 72 grams; Over-the-head (binaural): 94 grams
Wireless frequency	DECT 6.0, range up to 350 ft
Audio performance	Narrowband or wideband: up to 6,800 Hz
Hearing protection	SoundGuard®: protects against sound levels above 118dBA (CS540) SoundGuard® DIGITAL™: protects against sound levels above 118dBA; Anti-startle detects and eliminates any large sudden increase in signal level; Time-Weighted Average prevents average noise level from exceeding 85dBA (CS510, CS520)
Limited warranty	1 year
Models	CS540: Convertible CS520: Over-the-head, binaural CS510: Over-the-head, monaural

*Neckband sold separately

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VoiceNet Communications, Inc.
 30 Hidden Meadows Terrace
 Milford, DE 19963-9750
 302-424-3097

PROPOSAL

Date	Proposal #
10/24/2014	1445

Customer Name/Address
City of Milford Debbie Johnson 10 S.E. 2nd Street Milford, DE 19963

Work Location
City of Milford Billing Dept. 119 S. Walnut St. Milford, DE 19963

P.O. No.	Terms	Account #	Project
	50% Down	3024226616	

Description	Qty	Rate	Total
<p>Total Cost This Proposal:</p> <p>This Proposal is to facilitate the Billing Dept. move from Public Works to the old downtown PNC Bank Bldg.</p> <p>The Avaya IP Office System is chosen as a first step to eventually tying together all city office locations with a common communications platform.</p> <p>We will install the Avaya IP Office 500V2 Basic Edition Digital VoIP System with initial capacity of 8 CO(Outside) Lines, 4 Analog Extensions(Fax, Doorphones, etc.), and 12 Digital Extensions.</p> <p>We will install 8-1416 Digital Display Telephones, connect up to 8 CO lines, and program the system to customer specifications. This leaves room for 3 additional Digital phones for future expansion as configured.</p> <p>Additional Expansion Cards can be added at any time to increase the capacity beyond the initial 8x12x4 configuration.</p> <p>The built-in Voice Messaging provides coverage for all extensions as desired, and Automated Attendants to route calls as desired, as well as Email notification of new messages as desired.</p> <p>This proposal covers equipment, installation, and programming labor. We understand that all facility CAT5e will be installed and tested by 3rd party contractor. Any additional stations or wiring beyond the scope of this proposal will be invoiced as required.</p>			5,511.30
<p>Thank You! We appreciate your business!</p>	<p>THIS PROPOSAL IS VALID FOR 30 DAYS AND MAY BE WITHDRAWN AT ANY TIME PRIOR TO ACCEPTANCE.</p>		<p>Total</p>

Customer _____

Date _____

Date _____

VoiceNet Communications, Inc.
 30 Hidden Meadows Terrace
 Milford, DE 19963-9750
 302-424-3097

PROPOSAL

Date	Proposal #
10/24/2014	1445

Customer Name/Address
City of Milford Debbie Johnson 10 S.E. 2nd Street Milford, DE 19963

Work Location
City of Milford Billing Dept. 119 S. Walnut St. Milford, DE 19963

P.O. No.	Terms	Account #	Project
	50% Down	3024226616	

Description	Qty	Rate	Total
<p>We require 1/2 downpayment at acceptance, with the balance due 15 days after completion.</p> <p>VoiceNet Communications, Inc. provides professional installation services and warrants against defects in material and workmanship for a period of 1 year.</p>			
Thank You! We appreciate your business!	THIS PROPOSAL IS VALID FOR 30 DAYS AND MAY BE WITHDRAWN AT ANY TIME PRIOR TO ACCEPTANCE.		Total \$5,511.30

Customer _____

Page 2 VoiceNet Communications _____

Date _____

Date _____

CITY OF MILFORD

Milford, Delaware

Financial Statements

For The Year Ended June 30, 2014

CITY OF MILFORD, DELAWARE

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CITY OF MILFORD DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

(302) 424-5140
FAX # (302) 424-5932

10 S.E. 2nd STREET
MILFORD, DELAWARE 19963

TRANSMITTAL LETTER

October 30, 2014

The Honorable Mayor
and Members of the City Council
City of Milford
Milford, Delaware

The Finance Department and City Manager's Office are pleased to submit the Annual Financial Report for the City of Milford, Delaware for the fiscal year ended June 30, 2014.

This report is published to provide the City Council, City staff, our citizens, our bondholders and other interested parties with detailed information concerning the financial condition and activities of the City government. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the City.

To the best of our knowledge and belief the enclosed data is accurate in all material respects, and is organized in a manner designed to fairly present the financial position and results of operations of the City as measured by the financial activity of its various funds. We also believe that all disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included.

THE REPORT

The accompanying financial section includes a Management's Discussion and Analysis (MD&A), basic financial statements and combining and individual fund statements and schedules, as well as the independent auditor's report on the basic financial statements. Beck, Villata & Co., P.C., Certified Public Accountants, has issued an unmodified ("clean") opinion on the City's financial statements for the year ended June 30, 2014. The independent auditor's report is located at the front of the financial section of this report.

The MD&A is a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is designed to complement and should be read in conjunction with the MD&A. The City of Milford's MD&A can be found immediately following the report of the independent auditors.

The Financial Section described above is prepared in accordance with generally accepted accounting principles for governments as prescribed by the Governmental Accounting Standards Board (GASB) and other professional associations, as applicable.

CITY PROFILE

Location

The City of Milford is the sixth largest city in population in the State of Delaware, serving over 9,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex Counties. Located on the Mispillion River, within both Kent and Sussex Counties, the City is approximately 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

The City is a home rule city operating under the Council-Manager form of government. The City Council is comprised of the Mayor and eight Council members, who enact local laws, determine policies and adopt the annual budget. The City Manager is appointed by the City Council and is responsible for the daily management of the City. The Basic Financial Statements of the City include all government activities, organizations and functions for which the City is financially accountable as defined by the GASB. Based on these criteria no other governmental organizations are included in this report.

FINANCE

Services Provided

The City provides to its citizens those services that have proven to be necessary and meaningful and which the City at the least cost can provide. Major services provided under general government and enterprise functions are: police protection, water and sewer services, electric services, sanitation services, park and recreational facilities, street improvements and general administrative services.

Accounting System and Budgetary Control

The City's accounting records for general governmental operations are maintained on a modified accrual basis with the revenues being recorded when available and measurable and expenditures being recorded when the services or goods are received and the liabilities are incurred. Accounting records for the City's utilities and other proprietary activities are maintained on the accrual basis.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of the internal control structure. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. We believe that the City's informal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The City charter provides that the City Council shall adopt the annual budget prepared by City Management. This budget is reviewed by the City Council and is formally adopted by the passage of a budget ordinance. The City Manager is authorized to transfer budgeted amounts between the items and departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council.

Budgetary control has been established at the general fund level. Financial reports are produced showing budget and actual expenditures by line item, and are distributed monthly to City departmental and divisional management and to others upon request.

Individual line items are reviewed and analyzed for budgetary compliance. Personnel expenditures are monitored and controlled at a position level and capital expenditures are monitored and controlled item by item. Revenue budgets are reviewed monthly.

OTHER INFORMATION

Independent Audit

The City Charter requires an annual audit of the accounts, financial records and transactions of the City by independent certified public accountants selected by the City Council. This requirement has been complied with, and the independent auditor's report has been included in this report. Additionally, the City of Milford's Director of Finance hears and reviews all recommendations made by the independent auditors.

Acknowledgments

The preparation of this report on a timely basis could not have been accomplished without the efficient and dedicated services of the entire staff of the Finance Department. Appreciation is expressed to City employees throughout the organization, especially those employees who were instrumental in the successful completion of this report.

We would like to thank the members of the City Council for their interest and support in planning and conducting the financial operation of the City in a responsible and progressive manner.

Respectively submitted,



Richard Carmean
City Manager



Jeff Portmann
Finance Director



Certified Public Accountants

*Member Firm Private Companies Practice Section
AICPA Division for CPA Firms*

BECK, VILLATA & CO., P.C.
www.beckvillata.com

Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

INDEPENDENT AUDITOR'S REPORT

To the Mayor and City Council
City of Milford, DE

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE, as of June 30, 2014, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4-13 and page 20 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Milford, DE's basic financial statements. The introductory section is presented for purposes of additional analysis and is not a required part of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is also not a required part of the basic financial statements.

The schedule of expenditures of federal awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated October 30, 2014, on our consideration of the City of Milford, DE's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Milford, DE's internal control over financial reporting and compliance.

Beck Villatoro & Co PC

Voorhees, NJ
October 30, 2014

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

As management of the City of Milford, we offer readers of the City's financial statements this narrative overview and analysis of the financial activities and financial position of the City for the fiscal year ended June 30, 2014. In the broadest context, the financial well-being of a government lies in the underlying wealth and willingness of its citizens and property owners to pay adequate taxes combined with the vision of the government's elected and appointed leadership to spend those taxes strategically so that the City's tax base, service levels, City assets and the City's desirability will be maintained not just for the current year but well into the future. Financial reporting is limited in its ability to provide this "big picture" but rather focuses on financial position and changes in financial position. In other words, are revenues and or expenses higher or lower than the previous year? Have net assets (containing both short and long term assets and liabilities) or fund balances (the current "spendable" assets less current liabilities) of the government been maintained? We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal (pages i-iii of this report) as well as information on the City's annual budget and other community information found on the City's website at www.cityofmilford.com. It should be noted that the Independent Auditor's Report describes the auditor's association with the various sections of this report and that all of the additional information from the website and other City sources is unaudited and has not been updated for events that may have occurred subsequent to the issuance of the respective report.

IN BRIEF

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by approximately \$67.4 million (net assets). This number must be viewed in the context that a significant portion of the City's net assets, \$31.1 million (46%) are invested in capital assets, net of related debt, and that most capital assets in government do not directly generate revenue nor can they be sold to generate liquid capital. Those net assets restricted for specific purposes total \$6.3 million (9.3%). The remaining \$30 million are unrestricted net assets and may be used to meet the government's ongoing obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies. Unrestricted net assets decreased by approximately \$8.2 million in fiscal year 2014 mainly due to investments made in capital assets.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$7.7 million. Within this total \$1.2 million is restricted by specific legal requirements and \$2.0 million has been committed and assigned to specific types of expenditures, The remaining \$4.5 million is unassigned fund balance in the general fund and can be used for any lawful purpose.
- The City's liabilities decreased by \$589 thousand due primarily to debt service payments made on the city's obligations.
- The City has seen certain revenues stagnate or decline over the last several years due to the economic conditions and has moved aggressively to reduce expenditures accordingly. The City also benefits from strong fund balances and conservative financial practices. The Economic Factors and Next Year's Budget section on the last page of this discussion provide additional information on the subject.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of four components: 1) government wide financial statements, 2) fund financial statements 3) notes to the financial statements and 4) required supplementary information which includes this management's discussion and analysis. In addition to the basic financial statements, this report also contains other supplementary information as listed in the Table of Contents.

Government Wide Financial Statements - The government wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business. The Statement of Net Assets presents information on all of the City's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net assets changed during the fiscal year. All changes in net assets are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused compensated absences.)

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CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

Both of the government-wide financial statements distinguish between functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government and administration, public safety, public works, and cultural and recreation. The business-type activities of the City include water and sewer, electric and sanitation operations. The government-wide financial statements can be found on pages 13 and 14 of this report.

Fund Financial Statements - A fund is a self-balancing set of accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories-governmental funds and proprietary funds.

Governmental Funds - Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Non-financial assets such as governmental buildings, roads, drainage ways, park land and long term liabilities such as bonds payable or long term liabilities that will not be paid with current assets are excluded. Such information may be useful in evaluating a government's near term financing requirements. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

Proprietary Funds - The City maintains two types of proprietary funds. Enterprise funds are presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, electric and sanitation operations.

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CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses its internal service funds to account for its fleet services, billing services and city hall building maintenance cost allocation programs. Because these services predominantly benefit business-type rather than governmental functions, they have been included within business-type activities in the government-wide financial statements. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Sewer, Electric, and Sanitation funds, since all are considered to be major funds of the City. All internal service funds are combined into a single aggregated presentation in the proprietary fund financial statements. The basic proprietary fund financial statements can be found on pages 21 to 23 of this report.

Notes to the Financial Statements - The notes provide additional information that is essential to a full understanding of the data provided in the government wide and fund financial statements. The notes to the financial statements can be found on pages 25 through 42.

Other Information - In addition to the basic financial statements and accompanying notes, the basic financial statements contain required supplementary information including this discussion and analysis.

GOVERNMENTAL-WIDE FINANCIAL ANALYSIS

As noted earlier, net assets and especially net assets by category may serve over time as a useful indicator of a government's financial position. In the case of the City, assets exceeded liabilities by \$67.4 million as of June 30, 2014.

The largest portion of the City's net assets \$31.1 million (46.1%) reflects its investments in capital assets (e.g., land, building, equipment, improvements and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide service to citizens; consequently these assets are not available for future spending, and with exception of business type assets, do not generate direct revenue for the City.

They do represent, however, an obligation on the part of the City to maintain these assets into the future. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

An additional portion of the City's net assets \$6.3 million (9.4%) represents resources that are subject to external restriction on how they may be used. The remaining balance of unrestricted net assets of \$30 million (44.5%) may be used to meet the government's ongoing obligations to citizens and creditors. The current and other assets increased in the Governmental activities by \$149 thousand and decreased in the Business type activities by \$5 million. The decrease in the current and other assets in its Business-type activities is primarily due to investment in capital assets. The City's long term liabilities increased by \$968 thousand.

Overall the City had an increase in net assets of \$2 million (3.1%).

Governmental Activities - Governmental activities net assets increased by \$592 thousand. Net assets invested in capital assets, net of related debt increased by \$859 thousand or 6.4%. Unrestricted net assets decreased by \$398 thousand or 6.2%.

Excluding transfers from business-type activities and special items, total revenues for governmental activities decreased from the previous year by \$48 thousand. General revenue (excluding transfers and special items) had a net increase of \$297 thousand or 6.5%. In Program Revenues, fees and fines decreased by \$82 thousand and operating grants and contributions increased by \$29 thousand. Total expenses for governmental activities decreased by \$192 thousand or 2.5%.

Business-Type Activities - Net assets from business-type activities increased by \$1.4 million, or 3.1% from \$44.7 million to \$46.1 million. Net assets invested in capital assets, net of related debt, increased by \$6.2 million. Unrestricted net assets decreased by \$7.8 million, while restricted net assets increased by \$3 million from the previous year.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

CITY OF MILFORD'S NET ASSETS
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2013	2014	2013	2014	2013	2014
Current and other assets	\$ 8,327	\$ 8,476	\$ 37,544	\$ 32,557	\$ 45,871	\$ 41,033
Capital assets, net	13,515	14,331	30,077	35,504	43,592	49,835
Total Assets	<u>21,842</u>	<u>22,807</u>	<u>67,621</u>	<u>68,061</u>	<u>89,463</u>	<u>90,868</u>
Long term liabilities	796	822	18,327	19,329	19,123	20,151
Other liabilities	328	675	4,586	2,622	4,914	3,297
Total Liabilities	<u>1,124</u>	<u>1,497</u>	<u>22,913</u>	<u>21,951</u>	<u>24,037</u>	<u>23,448</u>
Net Assets						
Invested in capital assets, net of related debt	13,359	14,218	10,709	16,906	24,068	31,124
Restricted	979	1,170	2,108	5,107	3,087	6,277
Unrestricted	6,380	5,922	31,891	24,097	38,271	30,019
Total Net Assets	<u>\$ 20,718</u>	<u>\$ 21,310</u>	<u>\$ 44,708</u>	<u>\$ 46,110</u>	<u>\$ 65,426</u>	<u>\$ 67,420</u>

As of June 30, 2014, the City has positive balances in all three categories of net assets, both for the government as a whole, as well as for its separate governmental and business-type activities. The same situation held true for the prior fiscal year.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

The following table provides a summary of the City's operations for the year ended June 30, 2014 with comparative totals for the year ended June 30, 2013.

CITY OF MILFORD'S CHANGES IN NET ASSETS
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2013	2014	2013	2014	2013	2014
Revenues						
Program Revenues:						
Fees, fines and charges for services	\$ 120	\$ 154	\$ 32,154	\$ 32,762	\$ 32,274	\$ 32,916
Operating grants and contributions	786	814	-	-	786	814
General Revenues:						
Property taxes	3,957	4,161	-	-	3,957	4,161
Franchise taxes	488	341	-	-	488	341
Impact fees	-	-	97	117	97	117
Investment earnings	26	15	110	34	136	49
Miscellaneous	436	280	1	(1)	437	279
Total revenues	<u>5,813</u>	<u>5,765</u>	<u>32,362</u>	<u>32,912</u>	<u>38,175</u>	<u>38,677</u>
Expenses						
General government	2,022	1,907	-	-	2,022	1,907
Public safety	4,049	4,134	-	-	4,049	4,134
Public works	744	719	-	-	744	719
Culture and recreation	1,004	928	-	-	1,004	928
Interest on long term debt	4	3	595	633	599	636
Electric	-	-	21,408	21,949	21,408	21,949
Water	-	-	1,670	1,601	1,670	1,601
Sewer	-	-	4,453	3,691	4,453	3,691
Trash	-	-	1,138	1,136	1,138	1,136
Total expenses	<u>7,823</u>	<u>7,691</u>	<u>29,264</u>	<u>29,010</u>	<u>37,087</u>	<u>36,701</u>
Increase (decrease) in net assets before transfers and special items	(2,010)	(1,926)	3,098	3,902	1,088	1,976
Special item - sale of land	-	18	-	-	-	-
Transfers	2,500	2,500	(2,500)	(2,500)	-	-
Increase in net assets	490	592	598	1,402	1,088	1,994
Net assets, July 1	20,228	20,718	44,110	44,708	64,338	65,426
Net assets, June 30	<u>\$ 20,718</u>	<u>\$ 21,310</u>	<u>\$ 44,708</u>	<u>\$ 46,110</u>	<u>\$ 65,426</u>	<u>\$ 67,420</u>

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

Financial Analysis of the Government's Funds

Governmental Funds - The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unreserved fund balances may serve as a useful measure of a government's net resources available for spending in the next fiscal year. At the end of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$7.7 million. Within this total \$1.2 million is restricted by specific legal requirements, for street improvements, and \$2.1 million has been committed and assigned to specific types of expenditures. The remaining \$4.4 million is unassigned fund balance in the general fund and can be used for any lawful purpose. In the general fund, the City originally budgeted a fund balance decrease in the current year of \$40 thousand prior to the use of prior balances and reserves. The actual general fund balance increased by \$122 thousand as the result primarily of increases in property taxes and a combination of decreases in public safety costs and increase in capital outlays. Actual general fund expenditures were within 1.3% of total budgeted expenses.

Proprietary Funds - The City's proprietary fund statements provide the same type of information found in the government-wide financial statements, but in more detail. Unrestricted net assets of the respective enterprise funds are \$8.3 million for water, \$4.2 million for sewer, \$11 million for electric and \$540 thousand for Sanitation. The total of all enterprise fund net assets exclusive of the internal service funds at the end of the fiscal year was \$46.0 million. Change in net assets for enterprise funds in 2014 were an increase of \$1.4 million in the water, an increase of \$278 thousand in the sewer, an increase of \$401 thousand in the electric and a decrease of \$46 thousand in the sanitation fund.

General Fund Budgetary Highlights - The City made revisions to the original appropriations approved by the City Council. Overall these changes resulted in an increase in budgeted expenditures from the original budget of 3.2% or \$258 thousand. Management's estimate of the General Funds budgeted revenues increased \$158 thousand or 1.9% from original budget based on year to date experience.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
 For the Year Ended June 30, 2014

Amounts in Thousands Unless Stated Otherwise
 (Unaudited)

DEBT ADMINISTRATION

At the end of the current fiscal year, the City had a total bonded debt and note obligations of \$18,711 million, all backed by the full faith and credit of the government.

**Outstanding Debt at Year End
 Bonds and Notes Payable**

	Government Activities		Business-Type Activities		Total	
	<u>2013</u>	<u>2014</u>	<u>2013</u>	<u>2014</u>	<u>2013</u>	<u>2014</u>
General Obligation Bonds	\$ 152	\$ 110	\$ 15,513	\$ 14,395	\$ 15,665	\$ 14,505
DE Revolving Fund Loans	-	-	2,028	2,255	2,028	2,255
USDA Loan	-	-	957	1,009	957	1,009
Kent County Note	-	-	1,288	1,265	1,288	1,265
Total	<u>\$ 152</u>	<u>\$ 110</u>	<u>\$ 19,786</u>	<u>\$ 18,924</u>	<u>\$ 19,938</u>	<u>\$ 19,034</u>

During the fiscal year, the City's total debt decreased by \$904 thousand or 4.5%, largely the result of scheduled debt payments during the year. There were additional borrowings in connection with capital projects under agreement with the United States Department of Agriculture (USDA) as well as under a Delaware State Revolving Loan agreement.

The City's General Obligation Bond rating is AA- as rated by Standard & Poor's. Additionally, several of the City's bonds are insured.

Additional information on the City's long term debt can be found in footnote 10 on pages 38 to 41 of this report.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2014
Amounts in Thousands Unless Stated Otherwise
(Unaudited)

CAPITAL ASSETS

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2014, amounts to \$49.8 million (net of accumulated depreciation). This investment in capital assets includes land, building, equipment, intangibles, improvements, and infrastructure and construction in progress. The total increase in the City's investment in capital assets, net of accumulated depreciation, for the current fiscal year was \$7 million or 16.2%. Additional information on the City's capital assets can be found in note 9 on pages 35 and 36 of this report.

Major capital asset events during the current fiscal year included the following: acquisition of a new radio tower and radios for \$209 thousand; public safety vehicles for \$68 thousand; utility system infrastructure improvements totaling \$2.8 million; land additions totaling \$609 thousand, including \$404 thousand for the "goat island" nature park; the continuation of the new electric substation for \$2.2 million; the purchase of the PNC Bank property, and some preliminary renovations totaling \$670 thousand which will eventually become the city's new billing office.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS

In the fiscal year 2015 Budget, General Fund revenues are budgeted to increase by 3.6% from the fiscal year 2014 final budget. In this coming fiscal year, the City looks forward to continued signs of improvement from the recent economic downturn. Rates charged for services remained unchanged in order to operate the city's four enterprise funds consisting of water, sewer, electric and sanitation. The city's electric service has added a new substation to better serve our customers. The city has also been aggressively pursuing the removal of groundwater from our sewer lines which should result in a reduction of expenses to process the sewer discharge at the Kent County sewer processing plant.

In September 2015, subsequent to year end, the City bought back it's 2005 Electric Bond issue. It is estimated that this will result in a reduction of annual debt payments of \$295,000.

REQUEST FOR INFORMATION

The financial report is designed to provide our citizens, customers, investors and creditors with general overview of the City's finances. If you have questions about this report or need any additional information, contact the Department of Finance, Attention: Finance Director, 10 SE 2nd Street, Milford, DE 19963 or call 302-424-5141 or email: jportmann@milford-de.gov.

CITY OF MILFORD, DE
STATEMENT OF NET ASSETS
June 30, 2014

	<u>Governmental Activities</u>	<u>Business-type Activities</u>	<u>Total</u>
ASSETS			
Cash and Equivalents	\$ 5,672,030	\$ 12,763,389	\$ 18,435,419
Investments	2,250,674	15,298,540	17,549,214
Receivables	419,134	3,035,492	3,454,626
Inventories	-	1,257,511	1,257,511
Other Assets	134,965	201,115	336,080
Capital Assets			
Land, Infrastructure and Other Assets not being depreciated	13,676,569	1,460,444	15,137,013
Utility System	-	49,750,292	49,750,292
Buildings	4,260,185	6,617,357	10,877,542
Equipment and Furniture	5,675,739	5,622,167	11,297,906
Construction in Progress	1,184,923	-	1,184,923
Less: Accumulated Depreciation	<u>(10,466,692)</u>	<u>(27,945,853)</u>	<u>(38,412,545)</u>
Total Capital Assets	<u>14,330,724</u>	<u>35,504,407</u>	<u>49,835,131</u>
Total Assets	<u>\$ 22,807,527</u>	<u>\$ 68,060,454</u>	<u>\$ 90,867,981</u>
LIABILITIES			
Accounts Payable and Accrued Expenses	\$ 674,693	\$ 2,622,079	\$ 3,296,772
Long-Term Liabilities			
Due Within One Year			
Bonds and Notes Payable	18,401	1,507,987	1,526,388
Compensated Absences	142,031	56,917	198,948
Customer Deposits	-	446,135	446,135
Due in More Than One Year			
Bonds and Notes Payable	94,316	17,090,095	17,184,411
Compensated Absences	568,124	227,663	795,787
Total Liabilities	<u>1,497,565</u>	<u>21,950,876</u>	<u>23,448,441</u>
NET ASSETS			
Invested in Capital Assets, Net of Related Debt	14,218,007	16,906,325	31,124,332
Restricted	1,170,405	5,106,633	6,277,038
Unrestricted	5,921,550	24,096,620	30,018,170
Total Net Assets	<u>\$ 21,309,962</u>	<u>\$ 46,109,578</u>	<u>\$ 67,419,540</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2014**

Functions/Programs	Expenses	Program Revenue			Net (Expense) Revenue and Changes in Net Assets		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-Type Activities	Total
Primary Government							
Governmental Activities							
General Government	\$ 1,910,598	\$ 34,314	\$ -	\$ -	\$ (1,876,284)		\$ (1,876,284)
Public Safety	4,134,502	-	2,500	-	(4,132,002)		(4,132,002)
Public Works	718,987	-	811,811	-	92,824		92,824
Culture and Recreation	927,939	119,303	-	-	(808,636)		(808,636)
Total Governmental Activities	<u>7,692,026</u>	<u>153,617</u>	<u>814,311</u>	<u>-</u>	<u>(6,724,098)</u>		<u>(6,724,098)</u>
Business-Type Activities							
Electric Fund	22,269,016	24,859,078	-	-		2,590,062	2,590,062
Water Fund	1,711,970	2,652,106	-	-		940,136	940,136
Sewer Fund	3,892,798	4,167,231	-	-		274,433	274,433
Trash Fund	1,136,289	1,083,565	-	-		(52,724)	(52,724)
Total Business-Type Activities	<u>29,010,073</u>	<u>32,761,980</u>	<u>-</u>	<u>-</u>		<u>3,751,907</u>	<u>3,751,907</u>
Total Primary Government	<u>\$ 36,702,099</u>	<u>\$ 32,915,597</u>	<u>\$ 814,311</u>	<u>\$ -</u>	<u>\$ (6,724,098)</u>	<u>\$ 3,751,907</u>	<u>\$ (2,972,191)</u>
General Revenues:							
Taxes:							
Property Taxes, Levied for General Purposes					4,160,713	-	4,160,713
Franchise Taxes					340,974	-	340,974
Impact Fees					-	117,240	117,240
Unrestricted Investment Earnings					15,337	34,495	49,832
Miscellaneous					280,341	(1,637)	278,704
Special item - Gain on Sale of Assets					18,800	-	18,800
Transfers					2,500,000	(2,500,000)	-
Total General Revenues, Special Items, and Transfers					<u>7,316,165</u>	<u>(2,349,902)</u>	<u>4,966,263</u>
Change in Net Assets					592,067	1,402,005	1,994,072
Net Assets - Beginning					<u>20,717,895</u>	<u>44,707,573</u>	<u>65,425,468</u>
Net Assets - Ending					<u>\$ 21,309,962</u>	<u>\$ 46,109,578</u>	<u>\$ 67,419,540</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
BALANCE SHEET
GOVERNMENTAL FUNDS
June 30, 2014**

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Parks and Recreation Fund</u>	<u>Total Governmental Funds</u>
ASSETS				
Cash and Cash Equivalents	\$ 2,419,677	\$ 3,235,945	\$ 16,408	\$ 5,672,030
Investments	2,250,674	-	-	2,250,674
Taxes Receivable, Net of Allowance for Doubtful Accounts	159,168	35,088	-	194,256
Other Receivables	76,493	148,385	-	224,878
Prepaid Expenses	134,965	-	-	134,965
Total Assets	<u>\$ 5,040,977</u>	<u>\$ 3,419,418</u>	<u>\$ 16,408</u>	<u>\$ 8,476,803</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts Payable	\$ 158,280	\$ 299,684	\$ 7,894	\$ 465,858
Compensated Absences - Current	142,031	-	-	142,031
Other Accrued Expenses	207,782	-	-	207,782
Other Payables	931	-	122	1,053
Total Liabilities	<u>509,024</u>	<u>299,684</u>	<u>8,016</u>	<u>816,724</u>
Fund Balances:				
Restricted	-	1,170,405	-	1,170,405
Nonspendable	134,965	-	-	134,965
Assigned	-	1,949,329	8,392	1,957,721
Unassigned	4,396,988	-	-	4,396,988
Total Fund Balances	<u>4,531,953</u>	<u>3,119,734</u>	<u>8,392</u>	<u>7,660,079</u>
Total Liabilities and Fund Balances	<u>\$ 5,040,977</u>	<u>\$ 3,419,418</u>	<u>\$ 16,408</u>	<u>\$ 8,476,803</u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT OF NET ASSETS
June 30, 2014

Total Fund Balance, Governmental Funds \$ 7,660,079

Amounts reported for governmental activities in the Statement of Net Assets are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Assets. 14,330,724

Certain other long-term assets are not available to pay current period expenditures and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Assets.

Some liabilities, (such as Notes Payable, Capital Lease Contract Payable, Long-term Compensated Absences, and Bonds Payable), are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Assets. (680,841)

Net Assets of Governmental Activities in the Statement of Net Assets \$ 21,309,962

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2014

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Parks and Recreation Fund</u>	<u>Total Governmental Funds</u>
REVENUES				
Property Taxes	\$ 3,689,051	\$ -	\$ -	\$ 3,689,051
Real Estate Transfer Taxes	-	471,662	-	471,662
Fees and Fines	151,506	-	-	151,506
Licenses and Permits	189,468	-	-	189,468
Engineering & Inspection Fees	-	-	-	-
Intergovernmental	-	814,311	-	814,311
Charges for Services	34,314	-	119,303	153,617
Investment Earnings	12,084	3,253	-	15,337
Miscellaneous	280,341	-	-	280,341
	<u>4,356,764</u>	<u>1,289,226</u>	<u>119,303</u>	<u>5,765,293</u>
Total Revenues				
EXPENDITURES				
Current:				
General Government	1,338,654	-	-	1,338,654
Public Safety	3,969,586	164,916	-	4,134,502
Public Works	718,987	-	-	718,987
Culture and Recreation	802,818	-	125,121	927,939
Debt Service:				
Principal	42,159	-	-	42,159
Interest	3,397	-	-	3,397
Capital Outlay	377,473	806,939	-	1,184,412
	<u>7,253,074</u>	<u>971,855</u>	<u>125,121</u>	<u>8,350,050</u>
Total Expenditures				
(Deficiency) Excess of Revenues Over Expenditures	<u>(2,896,310)</u>	<u>317,371</u>	<u>(5,818)</u>	<u>(2,584,757)</u>
OTHER FINANCING SOURCES (USES)				
Transfers In	3,000,000	-	-	3,000,000
Transfers Out	-	(500,000)	-	(500,000)
	<u>3,000,000</u>	<u>(500,000)</u>	<u>-</u>	<u>2,500,000</u>
Total Other Financing Sources and Uses				
SPECIAL ITEM				
Net Proceeds from Sale of Land	18,800	-	-	18,800
	<u>122,490</u>	<u>(182,629)</u>	<u>(5,818)</u>	<u>(65,957)</u>
Net Change in Fund Balances				
Fund Balances - Beginning	<u>4,409,463</u>	<u>3,302,363</u>	<u>14,210</u>	<u>7,726,036</u>
Fund Balances - Ending	<u>\$ 4,531,953</u>	<u>\$ 3,119,734</u>	<u>\$ 8,392</u>	<u>\$ 7,660,079</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2014**

Net change in fund balances - total governmental funds:	\$ (65,957)
Amounts reported for Governmental Activities in the Statement of Activities are different because:	
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenses in the statement of revenues, expenditures and changes in fund balance.	(18,800)
Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the Statement of Activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period. This is the amount by which capital outlays of \$1,184,412 exceeded depreciation expense of \$549,747 in the current period.	634,665
Governmental funds report repayment of bond principal as an expenditure, In contrast, the Statement of Activities treats such repayments as a reduction in long-term liabilities.	<u>42,159</u>
Change in net assets of governmental activities	<u>\$ 592,067</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
BUDGET AND ACTUAL (WITH VARIANCES)
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2014**

	<u>Budgeted Amounts</u>		<u>Actual Amounts, Budgetary Basis</u>	<u>Variance with Final Budget - Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
REVENUES				
Property Taxes	\$ 3,581,965	\$ 3,621,090	\$ 3,689,051	\$ 67,961
Real Estate Transfer Tax (from Special Revenue Fund)	500,000	500,000	500,000	-
Fees and Fines	165,000	165,000	151,506	(13,494)
Licenses and Permits	215,000	243,279	189,468	(53,811)
Charges for Services	32,000	32,000	34,314	2,314
Investment Earnings	6,500	6,500	12,084	5,584
Miscellaneous	244,960	335,537	280,341	(55,196)
	<u>4,745,425</u>	<u>4,903,406</u>	<u>4,856,764</u>	<u>(46,642)</u>
EXPENDITURES				
Current:				
General Government	1,244,595	1,365,642	1,338,654	26,988
Public Safety	4,160,105	4,160,105	3,969,586	190,519
Public Works	818,390	818,390	718,987	99,403
Culture and Recreation	759,965	764,321	802,818	(38,497)
Debt Service:				
Principal	42,160	42,160	42,159	1
Interest and Other Charges	3,400	3,400	3,397	3
Capital Outlay	256,810	388,953	377,473	11,480
	<u>7,285,425</u>	<u>7,542,971</u>	<u>7,253,074</u>	<u>289,897</u>
Deficiency of Revenues Over Expenditures	(2,540,000)	(2,639,565)	(2,396,310)	243,255
OTHER FINANCING SOURCES				
Transfers In From Electric Fund	2,500,000	2,500,000	2,500,000	-
Deficiency of Revenues Over Expenditures and Other Financing Sources	(40,000)	(139,565)	103,690	243,255
SPECIAL ITEM				
Net Proceeds from Sale of Land	-	-	18,800	18,800
Net Change in Fund Balance	(40,000)	(139,565)	122,490	262,055
DEFICIENCY FUNDED BY				
General Fund Prior Balance and Reserves	40,000	139,565	-	(139,565)
Net Revenues, Other Financing Sources, Prior Fund Balances and Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 122,490</u>	<u>\$ 122,490</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF NET ASSETS
PROPRIETARY FUNDS
June 30, 2014**

Business Type Activities - Enterprise Funds

	<u>Electric</u>	<u>Water</u>	<u>Sewer</u>	<u>Trash</u>	<u>Total</u>	<u>Internal Service Fund</u>
ASSETS						
Current Assets:						
Cash and Cash Equivalents	\$ 7,025,981	\$ 3,673,449	\$ 1,529,589	\$ 417,059	\$ 12,646,078	\$ 117,311
Investments	6,393,600	5,301,151	3,353,789	250,000	15,298,540	-
Accounts Receivable, net of allowance for doubtful accounts	2,159,257	212,736	314,694	112,019	2,798,706	5,482
Other Receivables	5,235	217,886	7,683	500	231,304	-
Inventories	1,180,942	34,289	-	-	1,215,231	42,280
Deferred Bond Issue Costs	123,879	20,762	56,474	-	201,115	-
Total Current Assets	16,888,894	9,460,273	5,262,229	779,578	32,390,974	165,073
Non-Current Assets:						
Capital Assets:						
Land and Improvements	1,404,437	27,369	28,638	-	1,460,444	-
Utility System	17,104,324	14,434,731	18,211,237	-	49,750,292	-
Buildings and Improvements	6,543,768	17,248	50,691	5,650	6,617,357	-
Equipment and Furniture	2,863,219	1,289,612	520,003	880,432	5,553,266	68,901
Less Accumulated Depreciation	(12,532,773)	(7,110,639)	(7,475,143)	(779,994)	(27,898,549)	(47,304)
Total Non-Current Assets	15,382,975	8,658,321	11,335,426	106,088	35,482,810	21,597
Total Assets	\$ 32,271,869	\$ 18,118,594	\$ 16,597,655	\$ 885,666	\$ 67,873,784	\$ 186,670
LIABILITIES						
Current Liabilities:						
Accounts Payable	\$ 1,864,183	\$ 86,883	\$ 234,161	\$ 45,884	\$ 2,231,111	\$ 47,594
Salaries Payable	42,841	10,003	10,003	12,058	74,905	-
Other Accrued Expenses	268,469	-	-	-	268,469	-
Customer Deposits	446,135	-	-	-	446,135	-
Compensated Absences	25,056	5,939	5,939	4,817	41,751	15,166
Bonds, Notes and Loans Payable	353,906	776,265	377,816	-	1,507,987	-
Total Current Liabilities	3,000,590	879,090	627,919	62,759	4,570,358	62,760
Non-Current Liabilities:						
Compensated Absences	100,225	23,754	23,754	19,267	167,000	60,663
Bonds, Notes and Loans Payable	7,434,443	3,310,197	6,345,455	-	17,090,095	-
Total Non-Current Liabilities	7,534,668	3,333,951	6,369,209	19,267	17,257,095	60,663
Total Liabilities	\$ 10,535,258	\$ 4,213,041	\$ 6,997,128	\$ 82,026	\$ 21,827,453	\$ 123,423
NET ASSETS						
Invested in Capital Assets, net of related debt	\$ 7,594,626	\$ 4,571,859	\$ 4,612,155	\$ 106,088	\$ 16,884,728	\$ 21,597
Restricted for Capital Improvements	3,112,396	1,054,293	782,741	157,203	5,106,633	-
Unrestricted	11,029,589	8,279,401	4,205,631	540,349	24,054,970	41,650
Total Net Assets	\$ 21,736,611	\$ 13,905,553	\$ 9,600,527	\$ 803,640	\$ 46,046,331	\$ 63,247

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2014

	Business Type Activities - Enterprise Funds					Internal Service Fund
	Electric	Water	Sewer	Trash	Total	
REVENUES						
Charges for Services	\$ 24,570,302	\$ 2,645,346	\$ 4,124,633	\$ 1,078,724	\$ 32,419,005	\$ 1,252,655
Miscellaneous	288,776	6,760	42,598	4,841	342,975	-
Total Operating Revenues	24,859,078	2,652,106	4,167,231	1,083,565	32,761,980	1,252,655
OPERATING EXPENSES						
Personal Services	1,902,332	333,308	462,618	519,796	3,218,054	802,483
Contractual Services	18,620,765	71,388	2,352,738	313,876	21,358,767	81,442
Utilities	4,393	205,133	25,958	-	235,484	1,503
Repairs and Maintenance	465,530	87,336	38,940	90,597	682,403	194,202
Other Supplies and Expenses	407,384	564,972	422,771	166,238	1,561,365	165,140
Insurance Claims and Expenses	85,513	16,159	6,036	13,396	121,104	4,635
Depreciation	462,781	322,535	382,481	32,386	1,200,183	6,586
Total Operating Expenses	21,948,698	1,600,831	3,691,542	1,136,289	28,377,360	1,255,991
Operating Income	2,910,380	1,051,275	475,689	(52,724)	4,384,620	(3,336)
NON-OPERATING REVENUES (EXPENSES)						
Interest and Investment Revenues	15,689	7,813	4,062	6,931	34,495	-
Impact Fees	34,301	82,939	-	-	117,240	-
Miscellaneous Revenue	1,699	-	-	-	1,699	-
Interest Expense	(320,318)	(111,139)	(201,256)	-	(632,713)	-
Total Non-Operating (Expenses) Revenues	(268,629)	(20,387)	(197,194)	6,931	(479,279)	-
Income (Loss) Before Transfers	2,641,751	1,030,888	278,495	(45,793)	3,905,341	(3,336)
Transfers In	259,850	431,567	-	-	691,417	-
Transfers Out	(2,500,000)	-	-	-	(2,500,000)	(691,417)
Changes in Net Assets	401,601	1,462,455	278,495	(45,793)	2,096,758	(694,753)
Total Net Assets - Beginning	21,335,010	12,443,098	9,322,032	849,433	43,949,573	758,000
Total Net Assets - Ending	\$ 21,736,611	\$ 13,905,553	\$ 9,600,527	\$ 803,640	\$ 46,046,331	\$ 63,247

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF CASH FLOWS
ALL PROPRIETARY FUND TYPES
FOR THE YEAR ENDED JUNE 30, 2014**

	ENTERPRISE FUNDS					Internal Service Fund
	Electric	Water	Sewer	Trash	Total	
Cash Flows from Operations:						
Receipts from Customers	\$ 24,551,256	\$ 2,708,921	\$ 4,209,402	\$ 1,064,641	\$ 32,534,220	\$ 1,266,855
Other Operating Receipts	310,289	(210,376)	35,665	4,841	140,419	-
Payments to Suppliers	(19,473,679)	(941,747)	(2,924,717)	(572,469)	(23,912,612)	(489,159)
Payments to Employees	(1,884,759)	(321,146)	(450,185)	(517,333)	(3,173,423)	(791,977)
Insurance Premiums Paid	(85,513)	(16,159)	(6,036)	(13,396)	(121,104)	(4,635)
Net Cash Provided by (used in) Operating Activities	3,417,594	1,219,493	864,129	(33,716)	5,467,500	(18,916)
Cash Flows from Non-Capital Financing Activities:						
Operating Transfers (Out)	(2,500,000)	-	-	-	(2,500,000)	-
Net Cash Flows Used in Non-Capital Financing Activities	(2,500,000)	-	-	-	(2,500,000)	-
Cash Flows from Capital and Related Financing Activities:						
Net cash paid for additions to Property, Plant and Equipment	(4,964,747)	(198,337)	(916,830)	-	(6,079,914)	(47,642)
Principal Paid on Debt	(335,000)	(476,147)	(509,329)	-	(1,320,476)	-
Interest Paid on Debt	(320,318)	(111,139)	(201,256)	-	(632,713)	-
Non-Operating Capital	1,699	-	-	-	1,699	-
Impact Fees Received	34,301	82,939	-	-	117,240	-
Net Cash Flows Used in Capital and Related Financing Activities	(5,584,065)	(702,684)	(1,627,415)	-	(7,914,164)	(47,642)
Cash Flows from Investing Activities:						
Net Proceeds/(Purchases) from Sales and Maturities of Short-Term Investments	2,239,907	450,096	881,925	-	3,571,928	-
Income on Investments	15,689	7,813	4,062	6,931	34,495	-
Net Cash Flows provided by Investing Activities	2,255,596	457,909	885,987	6,931	3,606,423	-
Net Increase (Decrease) in Cash and Cash Equivalents	(2,410,875)	974,718	122,701	(26,785)	(1,340,241)	(66,558)
Cash and Cash Equivalents at Beginning of Year	9,436,856	2,698,731	1,406,888	443,844	13,986,319	183,869
Cash and Cash Equivalents at End of Year	\$ 7,025,981	\$ 3,673,449	\$ 1,529,589	\$ 417,059	\$ 12,646,078	\$ 117,311
Reconciliation of Operating Income to Net Cash Flows from Operating Activities:						
Operating Income	\$ 2,910,380	\$ 1,051,275	\$ 475,689	\$ (52,724)	\$ 4,384,620	\$ (3,336)
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities:						
Depreciation and Amortization	462,781	322,535	382,481	32,386	1,200,183	6,586
Effect of Changes in Operating Assets and Liabilities:						
Accounts Receivable, net	(12,936)	(153,561)	77,836	(14,083)	(102,744)	14,200
Inventory	97,911	602	-	-	98,513	3,544
Accounts Payable and Accrued Expenses	(73,518)	(13,520)	(84,310)	(1,758)	(173,106)	(50,416)
Salaries Payable	7,104	2,892	2,893	1,020	13,909	-
Customer Deposits	15,403	-	-	-	15,403	-
Liability for Compensated Absences	10,469	9,270	9,540	1,443	30,722	10,506
Net Cash Provided by Operating Activities	\$ 3,417,594	\$ 1,219,493	\$ 864,129	\$ (33,716)	\$ 5,467,500	\$ (18,916)
Noncash Capital Financing Activities						
Additions to Property, Plant and Equipment	\$ (4,964,747)	\$ (823,246)	\$ (916,830)	\$ -	\$ (6,704,823)	\$ (47,642)
Transfers of Property, Plant and Equipment	(259,850)	(431,567)	-	-	(691,417)	691,417
Financed by:						
Delaware Revolving Loans	-	407,809	-	-	407,809	-
USDA Loan (current and prior year costs)	-	217,100	-	-	217,100	-
Transfers from Internal Service Fund	259,850	431,567	-	-	691,417	(691,417)
Net Cash	\$ (4,964,747)	\$ (198,337)	\$ (916,830)	\$ -	\$ (6,079,914)	\$ (47,642)

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF FIDUCIARY NET ASSETS
June 30, 2014

ASSETS	<u>AGENCY</u>
Cash and Cash Equivalents	<u>491,952</u>
Total Assets	<u><u>\$ 491,952</u></u>
 LIABILITIES	
Due to Other Governments	120,358
Deferred Revenue - Trust Fund	<u>371,594</u>
Total Liabilities	<u><u>\$ 491,952</u></u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Introduction

The City of Milford, Delaware (the "City"), operates under a Council-Manager form of government and provides the following services as authorized by its charter adopted on May 24, 1977: public safety (police), highways and streets, sanitation, health and social services, electric, water, parks and recreation, public improvements, planning and zoning, and administrative services.

The City complies with Generally Accepted Accounting Principles (GAAP) applicable to state and local governments. The City's reporting entity applies all relevant Governmental Accounting Standards Board (GASB) pronouncements. Proprietary Funds apply Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements, in which case, GASB prevails.

The accounting and reporting framework and the more significant accounting policies and practices are discussed in subsequent sections of this Note. The remainder of the notes is organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2014.

Financial Reporting Entity

The City's basic financial statements include the accounts of all City operations. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's *Codification of Governmental Accounting and Financial Reporting Standards*, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Based on the aforementioned criteria, the City has no component units.

Government-Wide and Fund Financial Statements

The government-wide financial statements (statement of net assets and statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and inter-governmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Government-Wide and Fund Financial Statements (continued)

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or activity. Program revenues include 1) charges to customers who directly benefit from goods or services provided by a given function or activity and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported as general revenues.

Separate financial statements are provided by governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Financial resources used to acquire capital assets are capitalized in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as another financing source. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than as an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter (within sixty days) to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt-service expenditures are recorded only when payment is due. Also, compensated absences are recorded as expenditures when paid.

Sales taxes, franchise taxes, permits and fees, recreation fees, fines and court fees, other miscellaneous revenues and earned but unreimbursed state and federal grants associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Property taxes are measurable as of the date levied (assessed) and are recognized as revenues when they become available. Available means when due, or past due, and received within the current period or collected soon enough thereafter to be used to pay liabilities of the current period. All other revenues are considered to be measurable and available only when the City receives cash.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Measurement Focus, Basis of Accounting and Financial Statement Presentation (continued)

The City reports the following governmental funds:

General Fund - The general fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Funds - The special revenue funds account for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Parks and Recreation Fund - The parks and recreation fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include youth and adult sports leagues, summer camps and clinics, special events and festivals as well as fund raising activities.

The City reports the following proprietary funds:

Enterprise Funds - The Enterprise Funds of the City include the electric, water, sewer and trash funds. Enterprise funds are used to account for operations (a) which are financed and operated in a manner similar to private business enterprises; where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body had decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Internal Service Fund - Consists of three internal funds which are used to account for the financing of goods and services provided by one department to other departments of the City on a cost-reimbursement basis.

The City reports the following fiduciary fund types:

Agency Fund - The agency fund accounts for assets held by the City in a trustee capacity for fees collected on behalf of Kent County and the Carlisle Fire Department. In addition, a trust fund was established by an individual during fiscal 2013 to benefit Kent County residents by offsetting individual tax bills in the future. The balance of the fund as of June 30, 2014 was \$371,594.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

**Measurement Focus, Basis of Accounting and Financial Statement Presentation
(Continued)**

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in governmental funds. Encumbrances as of the year end are reported as reservations of fund balance since they do not constitute expenditures or liabilities but serve as authorization for expenditures in the subsequent year. As of the end of the period, the City had no such encumbrances.

Budgets and Budgetary Accounting

The City Council follows these procedures in establishing the budgetary data reflected within the financial statements:

- (1) In accordance with the City Charter, prior to June 1, the City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them for the upcoming year, along with estimates for the current year. The City Charter requires that the budget be submitted in summary form. In addition, more detailed line item budgets are included and provided for administrative control.
- (2) Public hearings are conducted to obtain taxpayer comment.
- (3) Prior to June 30, the budget is legally enacted through passage of an ordinance.
- (4) The City Manager is required by the City Charter to present a monthly report to the City Council explaining any variances from the approved budget.
- (5) Formal budgetary integration is employed as a management control device during the year for the general fund.
- (6) The budget for the general fund is adopted on a basis consistent with generally accepted accounting principles (GAAP) as applicable to governments.
- (7) The budgets for the special revenue fund are approved on a program by program basis by the funding agencies.
- (8) Budgetary amendments are approved by City Council as required throughout the year. If revenues in excess of those estimated in the budget become available, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

Cash and Cash Equivalents

Cash and cash equivalents consist of cash, checking and money market accounts generally maturing in three months or less.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Receivables

Receivables are shown net of the allowances for estimated uncollectible accounts. The allowance for uncollectible accounts is based upon historical data established according to experience and other factors which in the judgment of City officials should be recognized in estimating possible losses. Management believes that they have adequately provided for future probable losses.

Interfund Receivables/Payables

Advances between funds are accounted within the appropriate interfund receivable and payable accounts. These advances (reported as "due from/to other funds") are considered "available spendable resources."

Inventory

Inventory is carried at cost for the water fund, and at replacement cost for the electric fund, and is determined using the first-in, first out (FIFO) method.

Inventory in the general fund consists of gasoline and diesel fuel held for consumption. Inventory in the internal service fund consists of garage and meter supplies held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The cost value of such inventory has been presented on an average cost basis.

Deferred Bond Discount and Costs

The deferred bond discounts and costs are being amortized over the respective lives of the bonds, using the straight-line method.

Fixed Assets

Fixed assets which include land, buildings, improvements, equipment, vehicles and infrastructure assets, consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage and lighting systems, are reported on the applicable governmental or business-type activities columns in the government-wide financial statements and the proprietary fund financial statements. Fixed assets are recorded at historical cost, if purchased, and at fair market value, if donated. The capitalization threshold for all fixed assets is \$5,000. No dollar threshold is set for land. Fixed asset depreciation is recognized using the straight-line method over the estimated useful lives.

Compensated Absences

A maximum of 30 days of vacation and 130 days of sick leave may be accumulated by each employee except for those hired before 1992, whose carry-over is not limited. The City accrues a liability for compensated absences which meet the following criteria:

- The City's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Compensated Absences (Continued)

In accordance with the above criteria, the City has accrued a liability for vacation and sick pay which has been earned but not taken by City employees. For governmental funds, the liability for compensated absences is reported as a long term liability in the government-wide financial statements since it is anticipated that none of the liability will be liquidated with expendable available financial resources. The liability for compensated absences is recorded in proprietary fund types as an accrued liability in accordance with Statement of Financial Accounting Standards No. 43, Accounting for Compensated Absences.

Long-Term Liabilities

In the government-wide financial statements, and in the proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business type activities, or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are recorded net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized over the life of the related debt. In the fund financial statements, governmental fund types recognize bond premium and discounts, as well as debt issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Government-wide and Proprietary Fund Net Assets:

- Invested in capital assets, net of related debt - consist of the historical cost of capital assets less accumulated depreciation and less any debt that remains outstanding that was used to finance those assets.
- Restricted net assets - consist of net assets that are restricted by the City's creditors (for example, through debt covenants), by the state enabling legislation (through restrictions on shared revenues), by grantors (both federal and state), and by other contributors (including those who have donated to the City's parks endowment).
- Unrestricted - all other net assets are reported in this category.

Governmental Fund Balances:

In the governmental fund financial statements, fund balances are classified as follows:

- **Non-spendable** - Amounts that cannot be spent either because they are in a non-spendable form or because they are legally or contractually required to be maintained intact.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Governmental Fund Balances (Continued):

- **Restricted** - Amounts that can be spent only for specific purposes because of the City Charter, the City code, state or federal laws, or externally imposed conditions by grantor or creditors.
- **Committed** - Amounts that can be used only for specific purposes determined by a formal action by City Council ordinance or resolution. This included the Budget Reserve Account.
- **Assigned** - Amounts that are designated by the Mayor for a particular purpose but are not spendable until a budget ordinance is passed or there is a majority vote approval (for capital projects or debt service) by City Council.
- **Unassigned** - All amounts not included in other spendable classifications.

Inter-Fund Transactions

During the course of normal operations, the City has transactions between funds to subsidize operations in certain funds, to allocate administrative costs, to construct assets, to distribute grant proceeds, etc. These transactions are generally reflected as operating transfers, which are transfers from a fund authorized to receive certain revenues to the fund through which the resources are to be expended.

Interest Capitalization

Interest costs incurred for the acquisition and/or construction of capital assets are capitalized based on the guidelines established by the Statement of Financial Accounting Standards No. 34, Capitalization of Interest Cost.

The interest capitalization period begins when the following conditions are present:

- Expenditures for the capital asset have been made.
- Activities that are necessary to get the capital asset ready for its intended use are in progress.
- Interest expense is being incurred.

The amount of interest expense to be capitalized is based on the weighted-average amount of accumulated expenditures for the period multiplied by the interest rate for the obligation incurred specifically to finance the construction of capital assets. No capitalizable interest was incurred during the year ended June 30, 2014.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS:

Explanation of Certain Differences between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Assets.

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net assets of governmental activities in the government-wide statement of net assets. This difference primarily results from the long-term economic focus of the statement of net assets versus the current financial resources focus of the governmental fund balance sheets.

Capital Asset Differences

When capital assets (land, building, improvements and equipment) are purchased or constructed for use in governmental fund activities, the costs of those assets are reported as expenditures in the governmental funds. However, these costs are reported as capital assets in the statement of net assets. The details of these differences are presented below:

Land, Infrastructure and Other Assets	\$13,676,569
Building and Improvements	4,260,185
Equipment and Furniture	5,675,739
Construction in Progress	1,184,923
Less: Accumulated Depreciation	<u>(10,466,692)</u>
Net Capital Asset Difference	<u>\$14,330,724</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

**NOTE 2 - RECONCILIATION OF GOVERNMENT-SIDE AND FUND FINANCIAL STATEMENTS
(CONTINUED):**

**Explanation of Certain Differences between the Governmental Fund Balance Sheet
and the Government-Wide Statement of Net Assets (Continued).**

Long-Term Liability Differences

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental fund balance sheet. All liabilities (both current and long-term) are reported in the statement of net assets. The details of these differences are presented below:

Long-Term Portion of Compensated Absences	\$ 568,124
Current Portion of Bonds Payable	17,037
Long-Term Portion of Bonds Payable	<u>95,680</u>
Total Current and Long-Term Liability Differences	<u>\$ 680,841</u>

Explanation of certain differences between the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balances and the Government-Wide Statement of Activities.

The governmental fund financial statements include a reconciliation between changes in fund balances in the governmental funds and changes in net assets in the government-wide statement of activities. The difference primarily results from the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental fund financial statements.

Capital Outlay Differences

Capital Outlays are reported as expenditures in the statement of revenues, expenditures and changes in fund balances. They are reported as capital assets, with the costs allocated over the useful lives of the assets, as depreciation, in the statement of activities. The details of these differences are reported below:

Capital Outlay	\$1,184,412
Depreciation	<u>(549,747)</u>
Net Difference	<u>\$ 634,665</u>

Long-Term Debt Issuance and Repayment Differences

When long-term debt is issued, it is reported as an other financing source. Repayments are reported as expenditures in the statement of revenues, expenditures and changes in fund balance. Issuance of debt is reported as a long-time liability and repayments are reported as reductions of those liabilities in the statement of activities. The detail of this difference is reported below:

Principal Repayment	<u>\$ 42,159</u>
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CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 3 - FINANCIAL INSTRUMENTS

The City has a number of financial instruments. The City estimates that the fair value of all financial instruments as of June 30, 2014, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying balance sheet and statement of net assets.

NOTE 4 - REAL ESTATE TAXES

The tax on real estate in the City area for the fiscal year 2014 was [46 mills (\$1,000 of assessed valuation)] as levied by the City Council. The City bills and collects its own real estate taxes. Delinquent taxes are liened by the City. The schedules of real estate taxes levied for the fiscal year 2011 are:

- July 1 - Levy Date (effective date of enforceable lien)
- August 1 - September 30 - Face Payment Period
- October 1 - 1% Penalty for each subsequent month not paid

NOTE 5 - IMPACT FEES

All new water, sewage, and electric services within the City of Milford are required to pay a one-time "impact fee." The purpose of the fee is to compensate for the impact of new users to the existing water and sewage systems, in order to provide for future expansion. All impact fees collected are restricted for capital improvements, as specified and approved by City Council that will be required as the result of population growth. The cost of the impact fee for water, sewage, and electric for the year ended June 30, 2014 was \$2,335, \$1,234, and \$600 per Estimated Discharge Usage (EDU), respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Net Assets and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Resulting restricted net assets at June 30, 2014 from impact fees is \$2,269,148.

NOTE 6 - INTERFUND TRANSACTIONS

During the course of normal operations, the City has numerous transactions between funds including expenses or expenditures and transfers of resources primarily to provide services. The financial statements of the governmental and proprietary fund types generally reflect such transactions as transfers. Transfers that are not considered operating or residual equity transfers give rise to individual fund, interfund receivables and payables. As of June 30, 2014, there are no outstanding interfund balances.

NOTE 7 - INTERGOVERNMENTAL RECEIVABLES

Amounts due from other governmental units represent receivables for revenues earned by the City or collections made by another governmental unit on behalf of the City.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 8 - CASH AND INVESTMENTS

Custodial credit risk is the risk that in the event of bank failure, the City's deposits may not be returned to it. The City does not have a formal deposit policy for custodial credit risk. Deposits are classified as *Category 1* if they are fully insured, registered or held by the City's agent in the City's name. Deposits would be classified as *Category 2* for those deposits which are collateralized with securities held by the pledging financial institution's trust department or agent(s) in the City's name, or *Category 3* for those deposits which are not collateralized, including bank balances that are collateralized with securities held by the pledging financial institution, or by its trust department or agent but not in the City's name. As of June 30, 2014, all of the City's bank balances were Category 1 deposits, and the financial institution balances were the same as the carrying amounts.

The City's investments are categorized according to the level of credit risk assumed as of the balance sheet date. *Category 1* includes investments that are insured, registered or are held by the City's agent in the City's name. *Category 2* includes uninsured and unregistered investments held by the counterparty's trust department or agent in the city's name. *Category 3* includes uninsured and unregistered investments held by the counterparty, its trust department or its agent but not in the City's name. As of June 30, 2014, the City's investments consist of the following:

<u>Description</u>	<u>Category</u>	<u>Amount</u>	
		<u>Market</u>	<u>Carrying</u>
Money Market Funds	1		
PFM Asset Management LLC - City Reserves		\$17,049,214	\$17,049,214
Certificates of Deposit	1		
Delaware Federal Credit Union		<u>500,000</u>	<u>500,000</u>
Total		<u>\$17,549,214</u>	<u>\$17,549,214</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 9 - FIXED ASSETS

The following schedule presents the capital activity of the governmental activities for the year ended June 30, 2014:

Description	Year Ended June 30, 2014				
	Balances 07/01/13	Additions	Deletions	Adjustments & Transfers	Balances 06/30/14
City Department:					
Land	\$ 7,051,435	\$ 204,620	\$ -	\$ -	\$ 7,256,055
Buildings and Improvements	4,067,267	-	-	-	4,067,267
Vehicles and Equipment	3,928,468	180,719	41,773	329,780	4,397,194
Construction in Progress	630,104	898,075	-	(343,256)	1,184,923
Total City Depreciation	15,677,274	1,283,414	41,773	(13,476)	16,905,439
Accumulated Depreciation	(5,042,559)	(343,115)	(36,097)	13,476	(5,336,101)
Total City Department, Net	\$10,634,715	\$ 940,299	\$ 5,676	\$ -	\$11,569,338
Street Department:					
Land Improvements	\$ 6,332,985	\$ 87,530	\$ -	\$ -	\$ 6,420,514
Buildings and Improvements	192,918	-	-	-	192,918
Vehicles and Equipment	1,278,545	-	-	-	1,278,545
Total City Department	7,804,448	87,530	-	-	7,891,977
Accumulated Depreciation	(4,923,959)	(206,632)	-	-	(5,130,591)
Total Street Department, Net	\$ 2,880,489	\$ (119,102)	\$ -	\$ -	\$ 2,761,386

Description	Year Ended June 30, 2014				
	Balances 07/01/13	Additions	Deletions	Adjustments & Transfers	Balances 06/30/14
Total Government					
Capital Assets:					
Land	\$13,384,419	\$ 292,150	\$ -	\$ -	\$13,676,569
Buildings and Improvements	4,260,185	-	-	-	4,260,185
Vehicles and Equipment	5,207,013	180,719	41,773	329,780	5,675,739
Construction in Progress	630,104	898,075	-	(343,256)	1,184,923
Total Governmental Capital Assets	23,481,721	1,370,944	41,773	(13,476)	24,797,416
Accumulated Depreciation	(9,966,518)	(549,747)	(36,097)	13,476	(10,466,692)
Total Governmental Capital Assets, Net	\$13,515,203	\$ 821,197	\$ 5,676	\$ -	\$14,330,724

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 9 - FIXED ASSETS (CONTINUED)

The following schedule presents the capital activity of the business-type activities for the year ended June 30, 2014:

Description	Year Ended June 30, 2014				
	Balances 07/01/13	Additions	Deletions	Adjustments & Transfers	Balances 06/30/14
Electric Fund:					
Land	\$ 1,204,437	\$ 200,000	\$ -	\$ -	\$ 1,404,437
Buildings and Improvements	6,049,421	494,347	-	-	6,543,768
Electric System	12,887,000	4,217,323	-	-	17,104,323
Vehicles and Equipment	2,382,053	53,716	-	427,451	2,863,220
Total Fixed Assets	22,522,911	4,956,386	-	427,451	27,915,748
Accumulated Depreciation	(11,901,752)	(462,781)	-	(168,240)	(12,532,773)
Net Book Value	\$10,621,159	\$4,502,605	\$ -	\$ 259,211	\$15,382,975
Water Fund:					
Land	\$ 27,369	\$ -	\$ -	\$ -	\$ 27,369
Buildings and Improvements	197,249	-	180,001	-	17,248
Water System	13,626,327	808,404	-	-	14,434,731
Vehicles and Equipment	632,082	14,843	-	642,687	1,289,612
Total Fixed Assets	14,483,027	823,247	180,001	642,687	15,768,960
Accumulated Depreciation	(6,679,049)	(322,535)	(102,066)	(211,121)	(7,110,639)
Net Book Value	\$ 7,803,978	\$ 500,712	\$ 77,935	\$ 431,566	\$ 8,658,321
Waste Water Fund:					
Land	\$ 28,638	\$ -	\$ -	\$ -	\$ 28,638
Buildings and Improvements	41,973	8,718	-	-	50,691
Waste Water System	17,384,094	827,143	-	-	18,211,237
Vehicles and Equipment	439,034	80,969	-	-	520,003
Total Fixed Assets	17,893,739	916,830	-	-	18,810,569
Accumulated Depreciation	(7,092,662)	(382,481)	-	-	(7,475,143)
Net Book Value	\$10,801,077	\$ 534,349	\$ -	\$ -	\$11,335,426
Trash Fund:					
Buildings and Improvements	\$ 5,650	\$ -	\$ -	\$ -	\$ 5,650
Vehicles and Equipment	880,432	-	-	-	880,432
Total Fixed Assets	886,082	-	-	-	886,082
Accumulated Depreciation	(747,608)	(32,386)	-	-	(779,994)
Net Book Value	\$ 138,474	(\$ 32,386)	\$ -	\$ -	\$ 106,088
Total Enterprise Funds:					
Land	\$ 1,260,444	\$ 200,000	\$ -	\$ -	\$ 1,460,444
Buildings and Improvements	6,294,293	503,065	180,001	-	6,617,357
Electric System	12,887,000	4,217,323	-	-	17,104,323
Water System	13,626,327	808,404	-	-	14,434,731
Waste Water System	17,384,094	827,143	-	-	18,211,237
Vehicles and Equipment	4,333,601	149,528	-	1,070,138	5,553,267
Total Fixed Assets	55,785,759	6,705,463	180,001	1,070,138	63,381,359
Accumulated Depreciation	(26,421,071)	(1,200,183)	(102,066)	(379,361)	(27,898,549)
Net Book Value	\$29,364,688	\$5,505,280	\$ 77,935	\$ 690,777	\$35,482,810

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 10 - LONG-TERM DEBT OBLIGATIONS

Long-Term liability activity for the year ended June 30, 2014 is summarized as follows:

Governmental Activities:

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Within One Year
Bonds Payable: Series B of 2011 General Obligation Bonds	\$ 152,139	\$ -	(\$ 42,159)	\$ 109,980	\$ 17,719
Bond Premium	3,564	-	(827)	2,737	682
Other Liabilities: Compensated Absences	714,430	-	(4,275)	710,155	142,031
Governmental Activities Long-Term Liabilities	<u>\$ 870,133</u>	<u>\$ -</u>	<u>(\$ 47,261)</u>	<u>\$ 822,872</u>	<u>\$160,432</u>

Business Activities:

Bonds Payable: Series 1992A Capital Appreciation Bond	\$ 1,670,000	\$ -	\$ -	\$ 1,670,000	\$420,000
Series 2005 General Obligation Bonds	2,935,000	-	(335,000)	2,600,000	195,000
Series A of 2011 General Obligation Bonds	8,435,000	-	-	8,435,000	290,000
Series B of 2011 General Obligation Bonds	2,472,861	-	(782,841)	1,690,020	272,281
Add: Bond Premium 2011 Bonds	15,512,861	-	(1,117,841)	14,395,020	1,177,281
	149,265	-	(19,609)	129,656	17,235
Less: Bond Discount and Deferred Amount on Refunding	(567,016)	-	110,303	(456,713)	(79,414)
Total Bonds Payable	15,095,110	-	(1,027,147)	14,067,963	1,115,102
Revolving Funds Loans - State of Delaware	914,145	-	(111,019)	803,126	90,245
State of Delaware 2010	919,497	-	(23,656)	895,841	48,025
State of Delaware 2011	193,732	407,809	(45,000)	556,541	-
Note Payable - Kent County	1,287,983	-	(22,147)	1,265,835	22,650
Note Payable - USDA	957,225	217,100	(165,549)	1,008,776	165,880
Total Bonds and Notes Payable	19,367,692	624,909	(1,394,518)	18,598,082	1,441,902
Other Liabilities: Compensated Absences	269,667	14,913	-	284,580	56,917
Business-Type Activities Long-Term Liabilities	<u>\$19,637,359</u>	<u>\$ 639,822</u>	<u>(\$1,394,518)</u>	<u>\$18,882,662</u>	<u>\$1,498,819</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

Bonds payable at June 30, 2014 are comprised of the following individual issues:

	Interest Rate %	Issue Date	Maturity Date	Amount Outstanding				Total
				General Fund	Electric Fund	Sewer Fund	Water Fund	
General Obligation Bonds								
Series 1992A Capital Appreciation	0.00	4/1/1992	4/1/2018	\$ -	\$ -	\$ -	\$ 1,670,000	\$ 1,670,000
Series 2005 Refunding	3.45-4.25	6/1/2005	4/1/2025	-	2,600,000	-	-	2,600,000
Series A 2011	2.00-4.40	6/30/2011	11/1/2037	-	5,200,000	3,235,000	-	8,435,000
Series B 2011 Refunding	2.00-3.00	6/30/2011	11/1/2021	109,980	-	508,320	1,181,700	1,800,000
Total Amounts Outstanding				<u>\$ 109,980</u>	<u>\$ 7,800,000</u>	<u>\$ 3,743,320</u>	<u>\$ 2,851,700</u>	<u>\$ 14,505,000</u>

The annual aggregate maturities for all of the general obligation bonds as of June 30, 2014 are as follows:

Year Ending June 30,	General Obligation Bonds		
	Principal	Interest	Total
2015	\$ 1,195,000	\$ 453,522	\$ 1,648,522
2016	1,200,000	435,254	1,635,254
2017	1,140,000	415,980	1,555,980
2018	1,170,000	393,075	1,563,075
2019	800,000	367,580	1,167,580
2020-2024	3,555,000	1,452,901	5,007,901
2025-2029	2,390,000	875,119	3,265,119
2030-2034	2,055,000	413,880	2,468,880
2035-2039	1,000,000	67,102	1,067,102
Total	<u>\$14,505,000</u>	<u>\$ 4,874,413</u>	<u>\$19,379,413</u>

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds are direct obligations and pledge the full faith and credit of the City. The City is required to compute, at the time taxes are levied, the rate of tax required to provide a fund to pay interest and principal at maturity. The City is in compliance with this requirement.

In September 2014, subsequent to year end, the City bought back it's 2005 Electric Bond Issue (see Note 14).

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

General Obligation Bonds (continued)

The 1992 General Obligation Enterprise Bonds, Series A, represents the remaining principal portion, net of unamortized appreciation of \$649,349 with variable interest rates of 5.50% to 6.95%. The bonds were used to defease in-substance a portion of the 1989 Bond Issue and to finance additional waste water system improvements. The general obligation bonds have various maturity dates through April 2018.

On June 1, 2005, the City issued \$3,790,000 in General Obligation Refunding Bonds with the average rate of interest not to exceed 4.50%. The City issued the bonds to advance refund the total amount outstanding under the Series of 2000 General Obligation Bonds of \$3,580,000 with interest rates ranging from 4.70% to 5.65% per annum. The advanced refunding reduced total debt service payments over the then remaining term of 20 years by approximately \$384,000.

On June 30, 2011, the City issued \$9,000,000 in General Obligation Bonds in connection with planned electric and sewer capital projects, with interest rates ranging from 2.0% to 4.4%. The bonds are scheduled to mature January 1, 2037. Annual principal payments commenced January 1, 2013, with semi-annual interest payments commencing January 1, 2012. The bonds had an original issue premium of \$108,620, the unamortized portion of which is included in the balance reflected in the financial statements at June 30, 2014.

On June 30, 2011, the City issued \$3,720,000 in General Obligation Bonds with interest rates ranging between 2.0% and 3.0%. The City issued the bonds in order to currently refund \$3,770,000 of outstanding 2002 Refunding Bonds with interest rates ranging from 3.2% to 4.35%. The Series B 2011 General Obligation Bonds are scheduled to mature January 1, 2021, with annual principal payments commencing January 1, 2012. Semi-annual interest payments also commenced January 1, 2012. The current refunding reduced total debt service payments over the next 10 years by \$276,000. This resulted in an economic gain (difference between the present values of the debt service payments on the old and new debt) of \$259,000.

Note Payable - USDA

In June 2013, the City issued bonds in the amount of \$5 million in connection with its Southeast Water Expansion project. The funding for the project is being provided by the United States Department of Agriculture (USDA) under the federal direct loan for water and waste disposal systems program. Under the program, the City receives proceeds from the loan only after incurring project expenditures. The balance of the loan as of June 30, 2014 is \$1,008,776, which represents total expenditures incurred on the project to date of \$1,174,325, less principal payments made. Under the terms of the note, the City is making quarterly payments in the amount of \$46,500 commencing September 28, 2013, which include interest calculated at a rate of 2% on the balance outstanding. The agreement with the USDA also calls for the City to utilize the remaining unliquidated funds for the project by May 31, 2015.

Note Payable - Kent County

In connection with previous sewer problems, Kent County was forced to construct a new sewer line, a significant portion of which runs through the City of Milford. The county issued bonds to cover the cost, and it was agreed that the City would pay for the portion of the line that runs through its jurisdiction. Under the agreement, the City is paying the County in quarterly installments of \$12,735, which include interest at a rate of 2.25% per annum. The balance of the obligation as of June 30, 2014 is \$1,265,835 and is scheduled to mature November 10, 2050. The total cost to the City for the line was \$1,298,871, and was recorded as a period expense for the current fiscal year ended June 30, 2013, as the City does not have title to the asset.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

Notes Payable - State of Delaware

In connection with its Wastewater Collection System Expansion Project, the City entered into a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, a public agency of the State of Delaware. Under terms of the agreement, interest only payments were due semi-annually at a rate of three percent (3%) per annum on the amounts that had been advanced to fund the project. Semi-annual payments of principal and interest (at 3%) are due through scheduled maturity of July 1, 2022. The note is secured by the full faith and credit of the City.

During fiscal year 2011, the City received additional funds under this program in connection with the second part of its System Expansion Project which is still in progress. The balance on this related note as of June 30, 2014 is \$942,919. Semi-annual payments commenced January 1, 2013 which include interest calculated at an annual rate of 2.0%. The note is scheduled to mature July 1, 2030.

Aggregate maturities of these two notes are as follows:

Year Ending <u>June 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2015	\$ 138,270	\$ 41,100	\$ 179,370
2016	141,962	37,408	179,370
2017	145,757	33,613	179,370
2018	149,656	29,714	179,370
2019	153,665	25,705	179,370
2020-2024	599,913	69,603	669,516
2025-2029	305,014	23,501	328,515
2030	<u>64,730</u>	<u>973</u>	<u>65,703</u>
	<u>\$1,698,967</u>	<u>\$261,617</u>	<u>\$1,960,584</u>

The City has also received funds from the State of Delaware in connection with its Washington Street Water Treatment Facility Replacement Project. The funds are being provided by the DE Drinking Water State Revolving Fund only as expenditures are incurred by the City and approved by the State. Interest only payments commenced September 1, 2012 and are due semi-annually at 1% per annum. Upon completion of the project, if the City has complied with all of the requirements of the State, thirty-five percent of the amounts advanced will be forgiven, and the remaining balance will be amortized over a twenty year period with interest at 1% per annum. The balance outstanding as of June 30, 2014 is \$556,541, which represents the total amount of advances received on the project, net of \$45,000 received which was forgiven during fiscal 2014.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2014

NOTE 11 - PENSION PLAN

County and Municipal Pension Plan

Effective January 1, 2005, City Council elected, under provisions of the Delaware Code, to participate in the County and Municipal Police/Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service cost up to a maximum of fifteen (15) years for all eligible employees. Such funding was provided for from the City's reserves in its Water and Sewer Funds, as well as from assets of its existing retirement fund.

Along with the prior service cost, the City is obligated to pay the ongoing regular contribution rate (6.62% for fiscal year 2014). For sworn officers, the contribution rate was 15.52% for fiscal year 2014. These contribution rates are expected to gradually increase over the next several years. In addition, eligible employees are required to contribute 3% of their earnings in excess of \$6,000 and an additional 2% of their earnings in excess of the Social Security wage base.

NOTE 12 - COMMITMENTS AND CONTINGENCIES

In the normal course of business, there are outstanding various commitments and contingent liabilities in addition to the normal encumbrances for the purchase of goods and services. The City does not anticipate losses as a result of these transactions.

Government Grant/Award Programs

The City participates in a number of federal and state assisted programs. These programs are subject to program compliance audits by the grantors or their representatives. Accordingly, the City's compliance with applicable program requirements will be established at some future date. The amount, if any, of expenditures, not already disclosed, which may be disallowed by the granting agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

NOTE 13 - ACCOUNTING STANDARDS

The GASB has issued the following Statement which will become effective in future years as follows:

Statement No. 68, "*Accounting and Financial Reporting for Pensions—an amendment of GASB Statement No. 27.*" The primary objective of this Statement is to improve accounting and financial reporting by state and local governments for pensions. This Statement will become effective for the City in fiscal 2015. Management has not yet determined the impact of this Statement on the financial statements.

NOTE 14 - SUBSEQUENT EVENTS

On September 2, 2014, the City bought back its 2005 Electric Bond Issue in the amount of \$2,600,000, plus accrued interest of \$49,937. It is estimated that this will result in a reduction of annual debt payments of \$295,000.

**CITY OF MILFORD, DE
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2014**

Federal Grantor/Pass-Through Grantor/Program Program Title	Federal CFDA Number	Pass- Through Entity Identifying Number	Federal Expenditures
U.S. Department of Agriculture, Rural Utilities Service Direct Loan for Water and Waste Disposal Systems	10.760	N/A	\$ 1,008,775
Environmental Protection Agency Passed through State of DE Department of Health and Social Services Capitalization Grants for Drinking Water State Revolving Funds	66.458	51-6000177	<u>432,791</u>
Total Expenditures of Federal Awards			<u>\$ 1,441,566</u>

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MILFORD, DELAWARE
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2014

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The City of Milford, DE Schedule of Expenditures of Federal Awards (Schedule) includes the activity of all federal award programs administered by the primary government

Basis of Presentation

The Schedule presents total federal awards expended for each individual federal program in accordance with OMB Circular A-133. Federal award program titles are reported in the Catalog of Federal Domestic Assistance (CFDA). Federal award programs included expenditures, pass-throughs to non-state agencies (i.e. payments to subrecipients), non-monetary assistance, and loan programs.

Basis of Accounting

The expenditures for each of the federal assistance programs are presented in the Schedule on the accounting basis as presented on the fund financial statements. For the governmental funds, expenditures are presented on the modified accrual basis. For expenditure in proprietary funds, expenditures are presented on the accrual basis. Both the modified accrual and accrual basis of accounting incorporate an estimation approach to determine the amount of expenditures incurred if not yet billed by a vendor.

NOTE 2 - RELATIONSHIP TO FEDERAL FINANCIAL REPORTS

The regulations and guidelines governing the preparation of federal financial reports vary by federal agency and among programs administered by the same agency. Accordingly, the amounts reported in the federal financial reports do not necessarily agree with the amounts reported in the accompanying Schedule which is prepared on the basis explained in Note 1 to this Schedule.

NOTE 3 - FEDERALLY FUNDED LOAN PROGRAMS

Water and Waste Disposal Systems for Rural Communities (CFDA 10.760)

In June 2013, the City issued bonds in the amount of \$5 million in connection with its Southeast Water Expansion project. The funding for the project is being provided by the United States Department of Agriculture (USDA) under the federal direct loan for water and waste disposal systems program. Under the program, the City receives proceeds from the loan only after incurring project expenditures. The balance of the loan as of June 30, 2014 is \$1,008,776, which represents total expenditures incurred on the project to date, less principal payments made. Under the terms of the note, the City is making quarterly payments of \$46,500, which include interest calculated at a rate of 2% on the balance outstanding. The agreement with the USDA also calls for the City to utilize the remaining unliquidated funds for the project by May 31, 2015.

Clean Water State Revolving Funds (CFDA 66.458)

The City receives loans from the State of Delaware by way of capitalization grants awarded to the state to create and maintain Clean Water State Revolving Funds (CWSRF) programs. The state uses the funds to provide long-term sources of financing for construction of wastewater treatment facilities and implementation of water management activities. CWSRF outstanding loans for which the related project is completed do not have continuing audit requirements.



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Robert K. Griffin, CPA

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

To the Mayor and City Council
City of Milford
Milford, Delaware

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Milford, Delaware, as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the City of Milford, Delaware's basic financial statements and have issued our report thereon dated October 30, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of Milford, Delaware's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of, but not for the purpose of expressing an opinion on the effectiveness of the City of Milford, Delaware's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify a deficiency in internal control, described in the accompanying schedule of findings and questioned costs that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of Milford, Delaware's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City of Milford, Delaware's Response to Finding

City of Milford, Delaware's response to the finding identified in our audit is described in the accompanying schedule of findings and questioned costs. City of Milford, Delaware's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Beck Villalobos & Co PC

Voorhees, New Jersey
October 30, 2014



Certified Public Accountants

*Member Firm Private Companies Practice Section
AICPA Division for CPA Firms*

BECK, VILLATA & CO., P.C.
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Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY OMB CIRCULAR A-133**

To the City Council
City of Milford, Delaware

Report on Compliance for Each Major Federal Program

We have audited City of Milford, Delaware's compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of City of Milford, Delaware's major federal programs for the year ended June 30, 2014. City of Milford, Delaware's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of City of Milford, Delaware's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about City of Milford, Delaware's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of City of Milford, Delaware's compliance.

Opinion on Each Major Federal Program

In our opinion, City of Milford, Delaware, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2014.

Report on Internal Control Over Compliance

Management of City of Milford, Delaware, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered City of Milford, Delaware's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of City of Milford, Delaware's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

Beck Villatoro & Co PC

Voorhees, NJ
October 30, 2014

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
YEAR ENDED JUNE 30, 2014

SUMMARY OF AUDITOR'S RESULTS

1. The auditor's report expresses an unmodified opinion on the financial statements of the City of Milford, DE.
2. One significant deficiency disclosed during the audit of the financial statements is reported in this schedule of findings and questioned costs. No material weaknesses are reported.
3. No instances of noncompliance material to the financial statements of the City of Milford, DE, which would be required to be reported in accordance with *Government Auditing Standards*, were disclosed during the audit.
4. No material weaknesses in internal control over major federal award programs for the City of Milford, DE are reported.
5. The auditor's report on compliance for the major federal award programs for the City of Milford, DE expresses an unmodified opinion on all major federal programs.
6. Audit findings that are required to be reported in accordance with Section 510(a) of OMB Circular A-133 are reported in this Schedule.
7. The programs tested as major programs were:
 - U.S. Department of Agriculture, Rural Utilities Services, *Direct Loan for Water and Waste Disposal Systems*, CFDA No. 10.760.
 - Environmental Protection Agency, passed through State of DE Department of Health and Social Services, *Capitalization Grants for Drinking Water State Revolving Funds*, CFDA No. 66.458.
8. The threshold used for distinguishing between Type A and B programs was \$300,000.
9. City of Milford, DE did not qualify as a low-risk auditee.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (continued)
FOR THE YEAR ENDED JUNE 30, 2014

SIGNIFICANT DEFICIENCY

Financial Statement Preparation

Condition: The City of Milford, like many governmental units, has historically relied on its auditors to draft its annual financial statements and required disclosures as part of the year-end audit process. Upon completion of audit fieldwork, management reviews and approves any adjustments made to the general ledger, and then reviews and approves the audited financial statements prior to issuance.

While the City's accounting personnel have possessed the level of skill necessary to produce the basic financial statements, they have lacked the technical expertise needed to ensure compliance with the current reporting standards promulgated by GAAP. Further, the city does not have the necessary technical reference materials and resources needed to ensure the propriety and completeness of all of the required financial disclosures applicable to its financial statements. We believe these resource limitations would limit the organization's ability to comply with the requirements as outlined and as such would be deemed an internal control deficiency with respect to the financial reporting control.

Criteria: U.S. generally accepted auditing standards require management be responsible for the preparation of an organization's financial statements and all required disclosures in accordance with U.S. generally accepted accounting principles (GAAP). Accordingly, to comply with these standards an organization must not only have accounting personnel that have the expertise in the area of financial reporting standards, but a system in place that ensures on-going training for its personnel in the area of financial reporting and the necessary reference materials or other resources to ensure compliance with financial reporting standards.

Recommendation: We acknowledge that this is an element of internal control embodied in the standards that may be difficult for some organizations to overcome. For many governmental units like the City of Milford, it has been more cost effective to rely on its auditors for this technical expertise. We recommend that the City continue to monitor the cost/benefit of this control as its operations evolve as to whether it would ever be appropriate to develop all of the internal resources necessary to remedy this condition.

Management response: We have a small and limited staff but we do provide city council monthly and year-end financial reports, as well as all budgetary reports. Our annual audited financial statements and footnotes have been outsourced to our auditors because of the cost/benefit standpoint and our auditors have direct knowledge that aids in preparing the annual audited financial statement package. Our trial balance and financial package is used for basis in preparation of the annual audited financial statement package.



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

SCAT'S HOLIDAY DINNER

LOCATION: Victoria's Restaurant,
Boardwalk Plaza Hotel, Rehoboth

DATE: Wednesday, December 3, 2014

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

HOST: City of Rehoboth Beach

COST: \$37.50

MENU:

Baby Spinach Salad
Grilled Filet Mignon with Herbed Butter
Pan Seared Crab Cake
Sautéed Medley of Autumn Vegetables
Smashed Potatoes
Luscious Lemon Squares

For reservations, please call Barbara Bunting at City Hall at 227-4641 no later than WEDNESDAY, NOVEMBER 26TH, BY NOON.

Please make checks payable to the City of Rehoboth Beach. Checks can be mailed in advance to the attention of Barbara Bunting at the following address: City of Rehoboth Beach, P.O. Box 1163, Rehoboth Beach, DE 19971.

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 27, 2014

The City Council of the City of Milford met in Workshop Session on Monday, October 27, 2014 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Garrett Grier III, S. Allen Pikus,
Dirk Gleysteen, James Starling, Sr. and Katrina Wilson

City Manager Richard Carmean, Police Lieutenant Kenneth Brown and City Clerk/
Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe convened the Workshop Session at 7:01 p.m.

Downtown Development District/Downtown Milford, Incorporated President SaraKate Hammer

Mayor Shupe acknowledged SaraKate Hammer who will be discussing Senate Bill 191 which was funded in the FY 2015 Bond Bill at \$7 million. The initiative provides economic development incentives that promote revitalization of downtown areas and surrounding neighborhoods selected through a competitive application process.

Ms. Hammer then introduced herself stating that though she is president of Downtown Milford Incorporated (DMI), this is not their initiative and she is only assisting the City of Milford by applying for the grant. However, DMI does support the application and has submitted a letter stating they will assist the city in anyway possible to ensure it will be a successful application and designation if the city was so awarded.

She explained that Governor Markell approved legislation providing a grant to three designated districts/towns in the state, one in each county. If the program is successful, Ms. Hammer hopes the money will be re-upped next year by providing more towns the opportunity for the designation.

Ms. Hammer and former City Planner Gary Norris have been working with the State Planning Office to outline a downtown development district based on the 2008 comprehensive plan that is currently being revised. The map is also based on Milford's population and consists of approximately 170 acres in the heart of downtown. It overlays nicely with DMI's Project Area Map and downtown historic districts.

She explained that if Milford were to receive the designation, the mapped out area would have access to a \$7 million pot that the state will provide grants for both residential and commercial improvements, as well as economic development in that district.

For small projects, there is a rebate of up to 20% for improvements over \$25,000. That includes residences, new jobs, new construction and rehab/preservation of historic buildings that qualify.

The city can prioritize large projects and will inform you in advance should the money be awarded.

The intent is to improve housing, increase home ownership rates and reduce the number of vacant houses in the downtown district.

Ms. Hammer then referenced the grant summary:

Grants are available for up to 20 percent of Qualified Real Property Investments in excess of the Minimum Qualified Investment Threshold of \$25,000. The building or facility use must be commercial, industrial, residential, or mixed-use. Qualified Real Property Investments are capital costs, incurred after District designation, necessary for the rehabilitation or expansion of an existing structure, or new construction.

SMALL AND LARGE PROJECTS SET ASIDE

Small Project Set-Aside of \$1,000,000

Investors are eligible for this set-aside for total Qualified Real Property Investments less than \$250,000. Within 45 days of completion, Investor submits as part of the application:

- Placed in service documentation.
- Confirmation of location and conformance with District Plan.
- Type of District Investor – owner, tenant-owner consent, multiple owners, developer.
- Proof of payment of Qualified Real Property Investments.

DSHA distributes funds within 60 days of receipt.

Large Project Pool of \$5,650,000

Establishes a Reservation process based on each General Assembly appropriation to provide:

- Qualified District Investors assurance they will be funded once successfully completed.
- Each District reasonable access to District Grant funds.
- An opportunity to assess demand and make modifications to ensure programs’ success.

Applications for a Reservation are accepted once a year and include:

- Project description
- Type of District Investor – owner, tenant-owner consent, multiple owners, developer.
- Confirmation of location and conformance with District Plan.
- Detailed budget with expected Qualified Real Property Investments clearly supported.
- Proof of applicant readiness to initiate and complete the project within three years.

Each District will have reasonable access to District Grant funds via a District Set Aside. Once each District Set Aside is met, projects will receive Reservations from the remaining pool of funds.

If Reservation requests exceed funding allocated, then requests that address one or more of the following priorities will receive special consideration:

<ul style="list-style-type: none"> • Identified as a Key Priority Project in District Plan • Creates permanent jobs • Provides mixed-use development • Adaptively reuses existing structures 	<ul style="list-style-type: none"> • Expands housing opportunities • Protects historic resources • Promotes sustainable practices
--	--

Grant Fund Disbursement requests are due with 45 days of being placed in placed in service.

DSHA will conduct a compliance review of the final project requesting Grant Fund Disbursement. This on- site review will ensure the final project conforms to project scope outlined in the Reservation Agreement.

DSHA distributes funds within 60 days of receipt.

ELIGIBLE EXPENSES AND ACTIVITIES

Qualified Real Property Investments includes expenditures, incurred after District designation, that are properly chargeable to a capital account and are necessary for the rehabilitation or expansion of an existing structure, or new construction.

Examples include:

- Exterior, interior, structural, mechanical or electrical improvements
- Excavations
- Grading and paving
- Installing driveways
- Landscaping or land improvements
- Demolition

RESTRICTIONS

The following types of projects and activities are not eligible for a District Grant:

- Adult bookstores, adult video shops, other adult entertainment facilities, check cashing facility, gambling facilities, liquor stores, massage parlors, pawn or gun shops, tanning salons, tattoo parlors.
- Soft Costs, including:
 - Appraisal, architectural, engineering, bids or interior design fees
 - Legal, accounting, realtor, sales, marketing or other professional fees
 - Permits, user fees, zoning fees, impact fees, inspection fees
 - Land or building acquisition
 - Loan fees, capitalized interest
 - Utility hookup or access fees
 - Well, septic or sewer systems
 - Machinery, tools or other equipment
 - Temporary facilities
 - Bonding, closing costs, insurance
 - Blinds or other window treatments
 - Furnishings
 - Outbuildings (if ancillary to function of the main building)
 - Signage, Signs or Roads
 - Rent Loss

INVESTMENT RANGE

District Grants are calculated at 20 percent of the Qualified Real Property Investment in excess of the Minimum Qualified Investment Threshold up to \$500,000 per building or facility. District Grants in excess of \$500,000 will be determined according to the following investment ranges for a maximum of \$1,000,000.

Investment Range	Grant Amount	Investment Range	Grant Amount
\$2,525,000 - \$3,500,000	\$500,000	\$12,500,001 - \$13,500,000	\$785,000
\$3,500,501 - \$4,500,000	\$528,000	\$13,500,001 - \$14,500,000	\$814,000
\$4,500,001 - \$5,500,000	\$557,000	\$14,500,001 - \$15,500,000	\$843,000
\$5,500,001 - \$6,500,000	\$585,000	\$15,500,001 - \$16,500,000	\$871,000
\$6,500,001 - \$7,500,000	\$614,000	\$16,500,001 - \$17,500,000	\$900,000
\$7,500,001 - \$8,500,000	\$642,000	\$17,500,001 - \$18,500,000	\$928,000
\$8,500,001 - \$9,500,000	\$671,000	\$18,500,001 - \$19,500,000	\$957,000
\$9,500,001 - \$10,500,000	\$700,000	\$19,500,001 - \$20,000,000	\$986,000
\$10,500,001 - \$11,500,000	\$728,000	\$20,000,001 and over	\$1,000,000
\$11,500,001 - \$12,500,000	\$757,000		

Ms. Hammer stated that if Milford was chosen, the designation would last for ten years with the opportunity to re-up for five-year periods.

The designation requires an administrator from the city, who would be someone on staff, to ensure the local incentives are followed as laid out for economic development.

She noted that a lot of local incentives have already been approved by council. As a result, the city would not offer anything above what is currently offered. However, additional incentives could be added at a later date specifically for the downtown district.

A presentation created by the Delaware State Housing Authority was included in the packet.

The designation will occur in February 2015 and officially starts on the day of designation and grant money would be available immediately.

The application will be submitted within the next few days.

Ms. Hammer then confirmed there is no financial obligation from the city.

She noted there is an emphasis on historic preservation tax credits; some will be set aside for the cities that receive the designation.

Overall, the city will be required to accept the grant money, accept designation, administer and follow the guidelines of the program as established.

Mr. Pikus asked if there is a problem with the awards because Milford is in both counties. Ms. Hammer explained it will be submitted to Sussex County based on conversations with Senator Gary Simpson.

Mr. Pikus asked who will administer the funds; Ms. Hammer said an employee of the city. Currently the plan administrator is Mr. Carmean though she understands that will change over the next couple months.

Ms. Hammer verified the only action needed by the city is for council to support the application by adopting the resolution which will be voted on later this evening.

She explained that they are encouraging as many towns as possible to apply. Though only three towns will receive the designation, the more towns that apply, the more favorable it will look to the governor and administration. They hope that will encourage them to make money available for additional towns next year.

Once the town is designated, the funds are available as long as this is approved as part of the budget.

The city manager thanked Ms. Hammer for spearheading the application process noting that there are only so many hours in a day for our staff and this has been a time-consuming effort.

Review/Ordinance 2014-13/No Smoking Policy/City Parks and Facilities

Mayor Shupe advised that the following ordinance is a result of a recent discussion of the Community Affairs and Parks and Recreation Committees. This is for review and recommendations only. He welcomes any comments before it is placed on an agenda for introduction:

AN ORDINANCE OF THE CITY OF MILFORD PROHIBITING SMOKING IN CITY PARKS, BUILDINGS AND FACILITIES, SPECIFYING REQUIRED SIGNAGE, PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a new chapter in the Code of the City of Milford is being created to prohibit smoking in all City parks, buildings and facilities; and

WHEREAS City parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS smoking and tobacco use in parks can result in litter of cigarette butts, cigar butts and other tobacco-related waste which can cause environmental degradation and pose a health risk to children and animals; and

WHEREAS studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS many parks in the City contain trees and plants that can be combustible, particularly in the dry summer months and pose an increased risk of fire; and

WHEREAS, on September 23, 2014, the Community Affairs Committee and Parks and Recreation Committee recommended a smoking ban in City Parks; and

WHEREAS, City Council has previously taken formal action by voting on a policy which prohibits smoking in City Buildings and Facilities.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 190, to be entitled Smoking Prohibited in City Parks, Buildings and Facilities to read as follows:

Section 2. CHAPTER 190. SMOKING PROHIBITED IN CITY PARKS, BUILDINGS AND FACILITIES.

§ 190-1 Definition.

§ 190-2 Smoking prohibited at all times of year

§ 190-3 Conditions.

§ 190-4 Penalties.

§ 190-1 Definitions.

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

Parks and Recreation Director: City of Milford Parks and Recreation Director and any employee or designee thereof.

Smoking: The combustion in any cigar, cigarette, pipe, or any other similar article or any device, of tobacco or other combustible substance.

§ 190-2 Smoking prohibited.

(A) Parks.

(1) Smoking shall be prohibited at all times in all City of Milford public parks and playgrounds, including, without limitation:

- a. Banneker Park*
- b. Bicentennial Park*
- c. Marshall Pond Park*
- d. Marvel Square Park*
- e. Memorial Park South*
- f. Tony Silicato Memorial Park and Can Do Playground*
- g. Library Square*
- h. Milford Library Amphitheater*
- i. Goat Island and THE GARY L. EMORY NATURE TRAIL*
- j. Mispillion Riverwalk*
- k. Milford Dog Park*

(B) Smoking is prohibited within a 25-foot radius of the perimeter of all parks and playground areas owned by the city and open to the public.

(C) Smoking is prohibited in a building or facility owned, leased or operated by the City of Milford.

§ 190-3 Park Conditions.

A. At the entrance(s) of each designated park, there shall be appropriate signage designating the prohibition.

B. No person shall be prosecuted for violation of this chapter unless signs, readily visible to the public, are posted in appropriate places at the entrance(s) to those areas where smoking is prohibited, indicating smoking is prohibited and that violations are subject to penalties.

§ 190-4 Enforcement and Penalties.

The Milford Police Department, City of Milford Code Enforcement Officials and Parks and Recreation Director shall enforce this chapter.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$100. For a second or subsequent violation, any person, upon conviction, shall be subject to a fine of not less than \$50 nor more than \$200. Each day that a violation of any of the provisions of this chapter continues shall be deemed and taken to be a separate and distinct violation.

Any city employee authorized to enforce this chapter, as provided herein, has the authority to eject from a park facility any person in violation of this chapter.

Mayor Shupe referenced the parks included in the ordinance noted in section 190-2(a)(1).

Mr. Pikus asked if the ordinance is legal and if council has the right to enforce this. The city solicitor stated that council has the right to adopt an ordinance adding that smoking bans are becoming more prevalent all the time. He referenced an ordinance recently enacted by the Town of Bethany Beach where no smoking is permitted on the beach and boardwalk.

Mr. Starling confirmed the city has banned alcohol in parks and this only applies to smoking.

Ms. Wilson said she has never been a smoker but is concerned we are enacting more and more laws involving personal rights. She does not want the city to have the appearance of a dictatorship. She stated that even if she was a smoker, she would not smoke there especially when other people were present.

Mr. Pikus said he brought this up because the parks are enjoyed by a lot of children. People can smoke anywhere they want and in particular, are able to smoke on the streets. He said he has gotten a lot of phone calls from people who have expressed concerns about families getting together in our parks who encounter people who are smoking and they find it offensive.

Mr. Carmean asked if city council has the right to ban smoking on sidewalks and streets; Solicitor Rutt said it is being done on the boardwalks at the beach.

Mr. Gleysteen questioned the section that reads smoking is prohibited within a 25-foot radius of the perimeter of all parks and playground areas owned by the city and open to the public. He asked if that is inside the property line or outside the property line. He asked if that means someone can smoke 25-feet inside the park.

Mr. Rutt said it could mean the exterior perimeter which may involve property not owned by the city adding that we cannot infringe on individual property rights. He recommends re-writing the ordinance and clarify that would only involve parks and playground areas owned by the city.

Mr. Carmean believes this will be difficult to enforce. He said in discussing this with Chief Hudson, they felt an on-the-spot ticket could be issued versus taking someone into custody for a violation. Mr. Pikus likes the idea of a citation being issued for the offense.

The city manager said the chief believes it may be difficult to enforce at all times. The city manager pointed out there are avid smokers which has the potential for the police to be called constantly. The person reporting it then expects immediate action be taken which he believes will be difficult.

Ms. Wilson feels that a call to the police would be made if the smoke was bothering other people in the park.

Mayor Shupe pointed out the ordinance contains reasons for why it is needed. He said there are a number of things that need to be considered and he does not want to rush this and asked that council consider the reasons this should be adopted but to also think about the reasons it should not be adopted. We can then have a later discussion on whether to proceed or not.

Mr. Pikus confirmed this also includes library square; Mr. Carmean stated yes thought it will need to be added. Mr. Rutt noted that the ordinance states public parks and playgrounds, including those listed, without limitation. Therefore, any city-owned parks are included.

Ms. Wilson recommended this be presented to the police committee.

Mr. Mergner asked if a sign is required for the alcohol ban; Mr. Carmean said someone could make a case that if the sign were not posted informing them that alcohol or smoking is prohibited it cannot be enforced. He said the same requirements apply to handicapped parking where a sign must be posted and not just pavement markings.

Mr. Mergner asked what happens if the sign ends up damaged or removed.

Mayor Shupe recalled the sign was part of the discussion by the Community Affairs and Parks and Recreation Committee who recommended this. Mr. Mergner agreed but felt the committee emphasized the need to communicate the message by installing signs. However, he feels that enforcing the no smoking is another issue. The ordinance reads that it cannot be enforced unless a sign is present.

Mr. Pikus then stated that the sign has to be posted. Mr. Grier said they have room to argue if the sign does not exist. Mr. Pikus said a police officer cannot tell someone they are not allowed to smoke unless the sign is posted. Mr. Mergner feels the ordinance needs to be changed to state that if the signs are not there, that does not mean it cannot be enforced.

Mr. Rutt then explained the law can be enforced without a sign. He pointed out there is a presumption that people know the law. For example, the city publishes the ordinance in the newspapers, put signs out and gave the public appropriate notice. He feels that anyone who violates the ordinance and wants to argue they were unaware of law may have a problem. Currently, the ordinance states that no one will be prosecuted unless signs are posted in the appropriate places. As a general concept, people are presumed to know the law.

Mr. Mergner feels we should remove that section. He believes that once we begin to label the parks, these rules should be added as well. He emphasized the need for parks and recreation to identify the parks and post the rules which should be done as quickly as possible.

Mayor Shupe asked council to talk to their constituents and get their opinions. Council can then come back with a better idea of how to handle this.

With no further business, the Workshop Session concluded at 7:32 p.m.

Respectfully submitted,

Terri K. Hudson, MMC

City Clerk/Recorder